CHINA'S NEW 'GREAT ORDER' **O. EDMUND CLUBB**

THE NATION

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ALLEN WEINSTEIN'S 'PERJURY'

The Case Not Proved Against Alger Hiss

an investigation by

Victor Navasky

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LETTERS

THE REVISED CRIMINAL CODE
Continuing the Dialogue

In the issue of March 25, we published "Dialogue on the Revised Criminal Code," which was in large part a debate between Thomas I. Emerson of the Yale Law School and Anthony Lewis of The New York Times *on whether or not S. 1437 should be passed by the United States Congress. In the editorial note introducing this discussion we invited our readers to enter the dialogue and so they have. We expect and hope that the debate will continue in the weeks ahead.* —The Editors

Philadelphia, Pa.

Senator Kennedy's Criminal Code Reform Act of 1978 (S. 1437; H.R. 6869) recently passed the Senate by a vote of 72 to 15; but its future in the House, where hearings are being conducted in the Committee on the Judiciary, is problematical. Among the forces aligned in support of the bill were such unquestioned standard-bearers of civil liberties as Senators McGovern, Nelson, Javits, Metzenbaum and Brooke, as well as Senator Kennedy, Americans for Democratic Action, and Professor Dershowitz of the Harvard Law School (*see below*).

Although the opposition in the Senate was overwhelmingly right wing (Senators Eastland, Dole, Griffin, Allen, Domenici, Bartlett, et al.), the big threat to the prospect for reform comes from certain elements of the civil liberties establishment. In this bizarre alliance of Left and Right to defeat reform, the self-destructive posture of the Left is "we oppose any bill that does not include *all* the reforms we favor." No effort is made to distinguish between objectionable features which the bill merely carries forward from existing law and objectionable features which can possibly be attributed to the Kennedy bill. My own analysis of an ACLU published memorandum showed that twenty-eight of thirty-two points were unquestionably objections to provisions in existing law. Since these provisions will remain in force if the Kennedy bill is defeated, they cannot rationally be grounds for opposing Kennedy. The other four points were dubious on the merits and of little practical significance.

The tone of the opposition is hysterical. The ACLU memorandum includes charges that "dangers . . . are *enlarged by* . . . re-enactment of [certain existing provisions]." How re-enactment of existing law can enlarge dangers is not explained. Some other scary charges are based on farfetched interpretations which "*could conceivably*" render some provisions oppressive. Such an approach disregards prior experience with similar existing law, disregards normal rules of interpretation, disregards constitutional limitations which limit the application of all laws, and above all disregards the age-old lesson that abusive prosecutions are possible under any law (history records abusive prosecutions for treason, murder, rape, trespass, bribery, contempt of court, etc.). All criminal law has potential for abuse, and the price of liberty is eternal vigilance. But, as Alexander Hamilton wrote in *The Federalist* of opponents to the constitutional proposal for an independent judiciary, the guardians of liberty should not give themselves up to "the rage for objection which disorders their imaginations and judgments."

The Kennedy bill makes literally hundreds of improvements over existing law, including the following: (*1*) Repeal of the Smith Act (teaching or advocating subversive doctrines); (*2*) repeal of the World War I section penalizing "false rumors" impairing military effectiveness; (*3*) sensible restriction of sex offenses to nonconsensual relationships and imposition on children; (*4*) expanding the anti-discrimination laws to protect women and aliens; (*5*) articulating a defense to prosecution for disobeying an invalid

(*Continued on page 403*)

EDITORIALS

Pitfalls of Partisanship

"The Hiss case," Whittaker Chambers wrote William F. Buckley Jr. in 1954 "is a permanent war . . . I am not really a free agent and scarcely even an individual man. I am the witness on whom, to a great degree it still swings. . . . My reactions are a kind of public trust. They call for the most vigilant intelligence and careful judgment."

With the publication of *Perjury: The Hiss-Chambers Case,* Chambers has been joined by a new "witness," one Allen Weinstein, who wishes to act as opinion trustee for a new generation, unfamiliar with the facts of the case. Chambers, Weinstein believes, told the truth about Alger Hiss at his two trials, and thereafter "weighed his political activities against a single yardstick of how they might affect public response to his earlier role in helping to convict Alger Hiss."

The only lapse in Chambers's post-trial conduct identified by Weinstein has to do with what he properly calls a "sordid case of government witch-hunting," the O. Edmund Clubb affair. As Weinstein tells it, Chambers saw a news photograph of Clubb in 1950, shortly after the latter returned from China, where he had been a consular official during the Communists' takeover of the mainland. "Vaguely Chambers recalled—to HUAC staffers, the FBI, Senate Red hunters and Loyalty Board probers—having met Clubb at *The New Masses* in 1932, though he misremembered his name as 'Chubb' and, far more important, misstated the innocent circumstances of the visit." Then a young State Department official back from China, Clubb had brought a letter of introduction from his friend, the radical writer Agnes Smedley, to *New Masses* editor Walter Carmon. For that single 1932 visit—during which he had talked to Chambers briefly—Clubb endured FBI interrogations, appearances before Congressional investigating committees, and an extensive Loyalty Board hearing . . . until he finally resigned from State in 1952. Thus Chambers's careless mention of the 1932 incident grievously victimized a respected government official entangled accidentally in the emotional backwash of the Hiss case.

What Weinstein fails to make clear is the precise nature of the charges that Chambers "carelessly" leveled against Clubb (which incidentally were first made when he testified in executive session before the House Un-American Activities Committee in December of 1948)—namely that Clubb had served as a "courier," and "delivered a sealed envelope" containing a "document" to "a reported Communist."

In other words, in a context of cold-war hysteria, even after the Hiss case, Chambers falsely alleged that a distinguished public servant of more than twenty-five years' service was handing over State Department documents to someone who may well have been a Communist agent. Thus does Weinstein protect Chambers's reputation as a spy-exposer even while denouncing his perhaps aberrational carelessness as a reputation-ruiner.

As Clubb writes in his book, *The Witness and I,* this one fateful encounter eventually got him branded "a

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REPRINTS AVAILABLE

Twelve-page reprints of Victor Navasky's investigation into the credibility of *Perjury* by Allen Weinstein are available at 15¢ a copy, and in bulk at $5 a hundred or $32 a thousand, plus postage.

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poor security risk" and cost him his job. It cost the country his valuable services and it was not until Nixon had been to the People's Republic of China and back that Clubb was invited back to the State Department for even a ceremonial occasion.

O. Edmund Clubb survived and prevailed as a widely respected historian. His *Twentieth Century China* and *China and Russia*, as E.J. Kahn wrote in *The China Hands*, "grace the shelves of any library where serious scholars converge," and we are lucky to be able to include his thoughtful analysis of the current situation in China in this issue.

Weinstein's scholarship will not, if our sample of those who claim to have been misquoted and misrepresented is accurate and representative, stand the time test of Clubb's. And yet false history is a disservice to the present as well as to the future.

When H.R. Haldeman's book, *The Ends of Power*, reported that the Soviets had asked the United States in 1969 to join in an attack on China, Kissinger and Rogers immediately denied the account, prompting a round of debate on just what a publisher's obligations were to check out an author's assertions. Mr. Haldeman's publisher, Thomas Lipscomb of Times Books, said at the time, "A book publisher's function is different from a newspaper publisher's. We are not under obligation to check on the accuracy of every claim or opinion by an author. Our job is to provide a forum. We do not choose liars but then everyone fom Talleyrand to Kissinger has been accused of telling less than the truth."

Other publishers said they follow the practice of sending specialized manuscripts to outside experts for an independent reading. Ashbel Green, the Knopf editor who worked on Allen Weinstein's book, tells us they didn't subject it to an outside reading because "Allen showed portions of the manuscript to his own group of experts, some of whom know the Hiss case inside-out and others of whom were experts on the period."

Our own view, after witnessing the eager acceptance *Perjury* has achieved among the generalists, is that all of us—the public, the publisher, the critics, the author and history itself—would have been better served if the early reviews had been exposed to the vetting of a Fred Cook or a John Lowenthal, whose arguments in *The Nation* on the case have never been adequately answered (Cook's book on the case, incidentally, ought to be updated and reissued). Or, more interestingly, if they had been shown to William Reuben, co-plaintiff in the suit to liberate the Hiss papers from the FBI, who has spent fifteen years researching the life of Whittaker

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Chambers, is preparing a book called *Richard Nixon and the Frameup of Alger Hiss*, and probably knows more about the facts and figures of the case (either because or in spite of his intense belief in Hiss's innocence) than anyone not directly involved.

The many questions raised as a result of our own mini-investigation into *Perjury* (see p. 393), suggest how important it is, in the absence of other procedures to guarantee the integrity of advocacy scholarship, that the future publishers of books on a case which is far from over provide their authors with the resources and informed vetting required to protect them from the pitfalls of partisanship. For the ultimate test of Weinstein's scholarship has less to do with daily or weekly reviewers' reactions to his intimidating pose of fairness and thoroughness than with how it will survive the independent studies of men like Cook, Reuben, Peter Irons and others, and Alger Hiss's own impending *coram nobis* petition to set aside the verdict in his case.

Elsewhere in this issue, Thomas Emerson's discussion of the Smith Act prosecutions makes valuable companion reading for those who would understand cold-war justice.

Panama Fever

A classic test of the health of an organism is what scientists call "appropriate response." If the response to a given situation is either deficient or excessive, there may be a screw loose. It would be absurd to suggest that the Carter administration was mentally unbalanced when it mounted its gigantic campaign to win confirmation of the first (and lesser) of the two Panama Canal treaties, but it seems incontestable that the effort was out of all proportion to national priorities properly conceived and defined. And this obsessive drive for ratification reveals something about the health of our body politic.

The President himself clearly set the excited, all-out-for-victory tone of the Canal treaties campaign. And when he had won the first round, with a vote to spare, he went to the White House pressroom to declare on camera that the American people "owe a debt of thanks" to the 68 yea-saying Senators for "their courageous action." That was a revealing phrase. He did not praise the Senators for a correct and sensible action, as he sees it, but for their "courage." They were so remarkably intrepid as to approve by a 2-vote margin a treaty whereby the United States retains the right to defend the neutrality of the Canal when and if it reverts to Panama in the year 2000! Whether the lions of the Senate will have the fortitude, temerity or devil-may-careness to go ahead and actually cede the Canal in the distant future, as the second instrument provides, is apparently still in question.

All the conventional wisdom declares that the President "had to win" this one. If not, his administration would have been in shambles, his authority hopelessly diluted, and thereafter neither Congress nor the world would have granted him even the pretense of respect. Hence the ridiculous, almost shameful spectacle of the courting of Senator Zorinsky. That fledgling Nebraska Democrat (who in the end voted against the treaty) was wooed by the whole Carter family except Amy and had his back and ego rubbed by everyone from Vance and Kissinger on down to Brzezinski; they would have twisted his arm if they had found a way to get a hold on it. And there can be no doubt that the administration paid a high price in logrolling concessions to parochial political interests in order to buy some critical yea votes.

Here it was the Senators who did the twisting, and Carter's arm proved pliant. His fellow-Georgian, Herman Talmadge, chairman of the Agriculture Committee, proved to be the best at this old extortionate game. He got Carter to withdraw his opposition to a bill that would greatly increase federal aid to farmers at the cost of a further inflationary push and the withholding of a quarter of the nation's farm land from production at a time when food reserves are not bountiful. Talmadge, who denies any part in what seems to be a self-evident deal, voted yea.

Senator DeConcini of Arizona traded his vote for an increase in the copper stockpile that will help his mining constituents. It is not known what Senator Long of the Finance Committee got, but, as the one who fashioned the energy bill bottleneck with his own experienced hands, his price might have been the return of the whole Louisiana Territory as his personal fief—or so the joke went.

What stands out in this whole affair is the imbalance between the effort and the objective. The Carter administration has exerted nothing like this sort of pressure for its other stated priorities. The energy bill languishes in Congress for want of any push from the White House. The administration lifted hardly a finger to save the Consumer Representation bill, even though House Speaker O'Neill had laid his reputation on the line for it (as Mark Green documented in our February 25th issue, "Why the Consumer Bill Went Down"). The preparations, of propaganda and planning, for passage of the urban recovery plan and of the still unrevealed welfare and national health programs are woefully weak. Virtually nothing has been set in train to prepare Congress to face a much more important issue of foreign policy, the SALT II treaty, now nearing completion.

Instead, everyone got behind the drive to push the Panama treaties through the "courageous" Senate. This dubious instrument is seen in the White House as the *sine qua non* of its whole bag of policies. If it fails, all will fail.

Instead of cowering before Congress when he is not clumsily trying to manipulate it, Carter would do much better to face it down and to appeal over its head to the public when he is balked. This is what he said he would do but has conspicuously not done. And that is why Congress and the public are sensing irresolution, not to say timidity, behind Carter's accommodating grin. His response to the mini-challenge posed by the Panama treaties has been inappropriate and he has lost rather than won by his "victory" in the first round.

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Getting Set for SALT II

The American timetable for the SALT II treaty with the Soviet Union (for which, as we noted above, the Carter administration is making little preparation) calls for execution of the agreement in 1978 and ratification in 1979. Both sides are proceeding skittishly toward agreement, though nervousness and contention are, of course, much more evident on the democratic side of the bargaining table.

President Carter has said many resounding and noble things about the need to bring the strategic arms race under control but, as usual, his administration is defensive about SALT II long before it has occasion to be. There can be no doubt that the treaty, whatever its final terms, will be strongly attacked by the hawkish faction in the Senate, and the executive branch is at a disadvantage in not being able to reveal any of the fine print before the ink is dry on the last comma. Nonetheless the enemies of any arms deal with the Russians have been given too clear a field. If Carter signs a paper with Brezhnev, while failing to mobilize every bit of political support at his disposal, the "sellout" artists in the Senate will have a free hand to block ratification.

All the more reason, therefore, to be grateful to the learned Rep. Les Aspin (D., Wis.) for an excellent report he made public on March 27 on the verification procedures being written into SALT II as they are beginning to emerge from what he calls "the negotiating cocoon." Aspin, a former strategic analyst in the Pentagon, concludes that there is no way the Russians could cheat on the treaty, as it is developing, without being caught at it by our sophisticated spotting techniques. And that, if they did try to shave a point here or there, gaining a handful of extra bombers or missiles, it would be at the expense of their other defensive systems.

What stands out from the Aspin analysis is the amazing efficiency of our satellite and radar technology and, beyond that, the relative backwardness of Soviet weapons systems. His report is carefully balanced and makes the point that verification would be much more difficult to arrange in future strategic arms limitation treaties when the Russians catch up with us in weapons systems such as the cruise missiles. He makes the depressing but effective argument that, in any case, the proposed SALT II treaty gives "enormous leeway for both sides to pursue strategic programs without cheating." (For instance, "They can junk existing missiles and replace them with more reliable and more accurate models. They can greatly increase their inventories of multiple warhead missiles. They can pump more effort into areas not prohibited by SALT II that could be very threatening, such as antisubmarine warfare.")

So SALT II as it edges toward the light of day is hardly an instrument for disarming the United States and leaving it a prey of the ravenous Russians. The Senate's ultras will claim that it does, especially if they lose the second round of the Panama Canal fight, but the facts are entirely against them. All that SALT II will be is another momentary pause in the continuing arms escalation, a mere hint that the superpowers are aware that they can already destroy each other and take the rest of the world with them if they have a mind for such madness. But even such a limited agreement is a go-slow sign on Armageddon's broad highway. Aspin's analysis proves that the United States could not effectively be cheated if it summons up its courage and makes this extremely limited arms limitation pact with the Soviet Union.

A Plaque for Vietnam

The war in Vietnam killed 55,000 Americans and injured another 300,000; it tore at the hearts and minds of millions. Now that the war is over, comes the time to honor our dead. But how? A statue of Marines wading through a rice paddy? Honor rolls in town squares? An eternal flame, perhaps?

The army has recommended that a plaque and display of medals be placed in the Memorial Amphitheatre behind the Tomb of the Unknown Soldier to pay tribute "to those who answered their country's call" in Vietnam. It did not recommend placing a body in the tomb because it has no body deemed suitable for the honor.

According to Lt. Col. Michael Jenks, military assistant to the Assistant Army Secretary for Civil Works (which includes burials), the Army has only three "remains" at its Central Identification Laboratory in Hawaii that were even considered for the purpose, and all three were rejected—one because it was "name-associated," and the other two because they were "30 percent bodies." As Lieutenant Colonel Jenks explained, for placement in the Tomb of the Unknown Soldier, "The general criterion is a majority of the remains. For the three previous unknowns [from World Wars I and II, and Korea], we required 80 percent." Why? "There's a question of whether 30 percent should represent an unknown soldier."

Lieutenant Colonel Jenks points out the bright side of this failure to find a relatively intact corpse: "Vietnam is the first major conflict we've been involved in in which there wasn't an unknown. It's desirable [not to have one] from the standpoint of relieving the anxiety of families."

Some people have suggested putting a commemorative plaque in the Tomb of the Unknown Soldier—where, incidentally, a crypt was prepared some years ago for the Vietnam entry. However, the Department of Defense vetoed this, according to a spokesman, "because it might indicate to the public that there was a body in the crypt." Thus, in early March, Acting Asst. Army Secretary Charles Ford told members of the House Veterans' Affairs Committee that a plaque in the amphitheatre was the most suitable memorial to those who died in Vietnam.

The story doesn't end there, however: there remains the question of what to inscribe on the commemorative tablet. Assistant Secretary Ford suggested:

> Let all people know that the United States of America pays tribute to the members of the Armed Forces who answered their country's call.

But Rep. Charles Carney (D., Ohio), chairman of the Veterans' Affairs Committee's Cemeteries and Burial

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Benefits Subcommittee, apparently found that wording somewhat unspecific. A few days after Ford testified, Carney introduced legislation to have the Memorial Amphitheatre plaque read as follows:

> Let all people know that the United States of America pays tribute to those members of its Armed Forces who served honorably in Southeast Asia during the Vietnam era.

The word "war" is conspicuously absent, because in fact there was no war—Congress never having made it official. "It's always been referred to as the Vietnam era," said one Veterans' Affairs staffer. Others, like Frank Stover, Deputy Chief Counsel for the Veterans' Affairs Committee, used a more aggressive term. "We've always referred to it as the Vietnam era conflict," he said, giving the "official" dates for the conflict as lasting from August 1964 (the Gulf of Tonkin incident) to May 8, 1975, "when President Ford declared the conflict over."

If it wasn't a war, could one question the validity of placing a plaque in or near the Tomb of the Unknowns, in lieu of the ceremonial burial of a fallen soldier? "No," said Stover. "Veterans' benefits have been awarded as if in a war." He paused and recited the figures: 55,000 dead; 300,000 wounded. "That was quite a war," he observed. "But you couldn't call it a war. That was part of the agony. As far as vets are concerned, it was the same as World War II."

But it wasn't. Vietnam was a unique chapter of American history; a period of collective madness. Perhaps it is fitting then, that those who died fighting in Vietnam will be the first officially acknowledged "honorable" victims of an "era." May they rest in peace.

JOSH MARTIN

CHINA'S NEW CONSTITUTION

'Great Order' Under Hua Kuo-feng

O. EDMUND CLUBB

It was Chairman Mao Tse-tung's stubborn conviction that Man and Society could be brought to a state of perfection—to communism, as defined by the omniscient Mao himself—only by a process of "uninterrupted revolution"; stability would encourage a return to bourgeois values, even to capitalism. In the last years of Mao's life, that element of his Thought was given expression in the Great Proletarian Cultural Revolution (GPCR) of 1966-69. The attendant disorders, marked by a ruthless purging of targeted opponents of Mao's policies and tactics, brought factionalism into the heart of the nation's political life, disrupted economic processes, and alienated many citizens from the Communist rule.

The Maoists continued to wage "class struggle" for power purposes after the nominal termination of the GPCR; political factionalism deepened and the economic malaise naturally lingered on. This was not the promised Utopia, or at least did not seem so to those Chinese, civilians and administrators alike, who suffered from the chaos—and they were the vast majority. So, with the death of the Chairman in September 1976, the successor regime, always acting religiously in Mao's name, promptly undertook to restore order in the land—a new order. The Fifth National People's Congress (NPC), convened in Peking at the end of February, has now capped the efforts of the preceding year and a half to fix new directions.

The interim accomplishments offered an impressive background for the meeting. The process of change had begun with the purging of Mao's chief lieutenants—the radical "Gang of Four" that had operated so ruthlessly under Mao's aegis—and (progressively) of their followers. Next came the rehabilitation of a number of prominent victims of Mao's own purges. The new political approaches received initial sanction in the Eleventh Chinese Communist Party (CCP) Congress of August 1977. However, the contemplated changes had to transcend party and engage the nation. A massive campaign was begun in 1977 to instill new motivations in the demoralized Chinese "masses," reorganize and reinvigorate education, and enlist the support of the intellectuals who had been so badly bruised under the Maoist order. Throughout the year, national conferences were convened on agriculture, industry, education and—not least important—the weapons industry. The Fourth NPC of January 1975 had been held in secret; there was no public acknowledgment of its sitting until it was over. In striking contrast, plans for convening the Fifth NPC were announced well in advance; provincial people's congresses met to elect delegates; and the CCP's Eleventh Central Committee held its second plenary session, February 18-23, 1978 in Peking and came up with drafts for a revised national constitution and a ten-year plan for economic development. On February 24, the Chinese People's Political Consultative Conference (CPPCC) convened. It continued in session until March 8—that is, for the full duration of the NPC. The Fifth NPC itself met on February 26, with 3,497 delegates in attendance, and sat until March 5. All this, compared with the secrecy and deviousness that had marked China's recent past, gave a refreshing impression of open politics openly arrived at.

The nation's problems, now in full view, were massive

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and exigent. As defined by Premier Chou En-lai at the Fourth NPC, the national aim should be to advance the economy into "the front ranks of the world" by the year 2000. This was to be accomplished by "four modernizations"—of agriculture, industry, national defense, and science and technology. But the Five-Year Plan scheduled for 1976-80 was aborted by the turmoil of Mao's final year and the ensuing power struggle; it died stillborn. Grain production in 1977 was off about 5 percent, for a total of some 275 million metric tons; China imported 7 million tons of grain that year. Industry recovered somewhat, with production up 14 percent. That was promising, but structural changes were also needed.

According to the Maoist economic pattern, local self-sufficiency and local initiative were the order of the economic day, so that, without either national direction or coordination, many enterprises were undertaken simply on the basis of local decisions respecting allocation of resources and design. But the Chinese have now discovered that small is not always beautiful, and on February 1 of this year the *People's Daily* reported that the policy of regional self-sufficiency had been abandoned. Instead, there was to be economic specialization, and the coordination of the activities of production units, as "a necessary condition for the modernization of industry." The country would be divided into six major economic regions, to constitute "economic systems at different levels."

This was a major shift, but it was only a beginning. The Maoist faith that "people's wars" always achieve ultimate victory no longer carries conviction in leading People's Liberation Army (PLA) circles, but equipment of the armed forces with advanced weaponry can be achieved only through a modernization of the nation's industry. The PLA has played a prominent role in Chinese politics ever since the GPCR, and moderates now dominate the military apparatus. The purge of military "opposition" elements evidently continues. As late as January of this year the *Liberation Army Daily*, the official PLA organ, leveled notably strong attacks against unidentified elements in the army, charging them with opportunistically trimming their sails to the day's political winds. The moderates continue to buttress their position in the army as well as in the party and government.

To achieve its economic aims, including that of modernizing the military establishment, China has clearly stood in urgent need of reorientation and reorganization, as expressed in planning—and also in terms of labor discipline, incentives, new skills (especially in technology) and foreign exchanges. It was in that context that Premier Hua Kuo-feng formally launched the Fifth NPC with a three-and-a-half hour "Report on the Work of the Government," in which the central theme was: unite, and strive to build a modern, powerful Socialist country.

Speaking in December 1976, soon after Mao's death, Hua had quoted the Chairman as authority for the introduction of fundamental changes in China's political and economic life: "Great disorder across the land leads to great order." The stress in Hua's report was on that great order, on economic effort and, with patent application to both matters, on political liberalization and expansion of the legal system. Ritualistically, he heaped obloquy on the Gang of Four, asserting that, as a result of "interference and sabotage" by the Gang, China had suffered an overall loss of about $60 billion in industrial output, "and the whole economy was on the brink of collapse." And the future? According to Hua, the ten-year plan projected that, by the year 1985, there should be 85 percent mechanization of China's major agricultural processes; and grain production, increasing at the annual rate of 4 to 5 percent, should reach 400 million metric tons. Steel production (22 million tons in 1977) should in that same year reach 60 million tons. The state planned to construct 120 large-scale industrial projects, to give China a total of fourteen major industrial bases. With the development of heavy industry designed to increase production at an annual rate of more than 10 percent, it was projected that China should stand in the front ranks of world production of iron and steel, coal, crude oil and electricity, *by the year 1985*. Light industry would also grow. Hua was truly well advised to describe the economic tasks posed by the ten-year plan for 1976-85 and the development projected over the twenty-three years ending in 2000 as "gigantic."

The new regime now fully recognizes that, without enlisting outside help, China cannot hope to reach the proclaimed goals. It therefore has jettisoned the Maoist doctrine of "self-reliance," and is presenting a business-like countenance to the outside world—even the "capitalist" world. In February, the People's Republic of China (PRC) and the European Economic Community signed an agreement on principles to govern future trade exchanges. Of more immediate importance, Peking and Tokyo reached a new commercial agreement that same month for a $20 billion two-way trade exchange over the next eight years: Japan will supply $10 billion worth of steel, machinery and industrial plants in exchange for an equivalent value of Chinese petroleum and coal. These are signs of the times. In 1977, China's trade with the non-Communist world stood at about $10.9 billion—roughly the same level as in 1976. Peking proposes that it shall be expanded. Premier Hua put the matter briefly enough to show that Peking has not yet been able to visualize just how this is to be done, but he was categorical with respect to the basic point: "there should be a big increase in foreign trade."

Nor did Hua neglect the matter of popular morale. He asserted, "It is essential to strengthen the socialist legal system if we are to bring about great order across the land." There should be, he said, the gradual institution and perfection of the country's "socialist laws," and the cultivation of "a sense of respect for socialist laws." He put heavy stress on the development of socialist science, education and culture, and manifested a new official liberalism in that regard. Notably, he held that "we shouldn't demand perfection." He propounded, as a critical theme, that China should "enhance the great unity of the people of all nationalities, develop the revolutionary united front and mobilize all positive factors."

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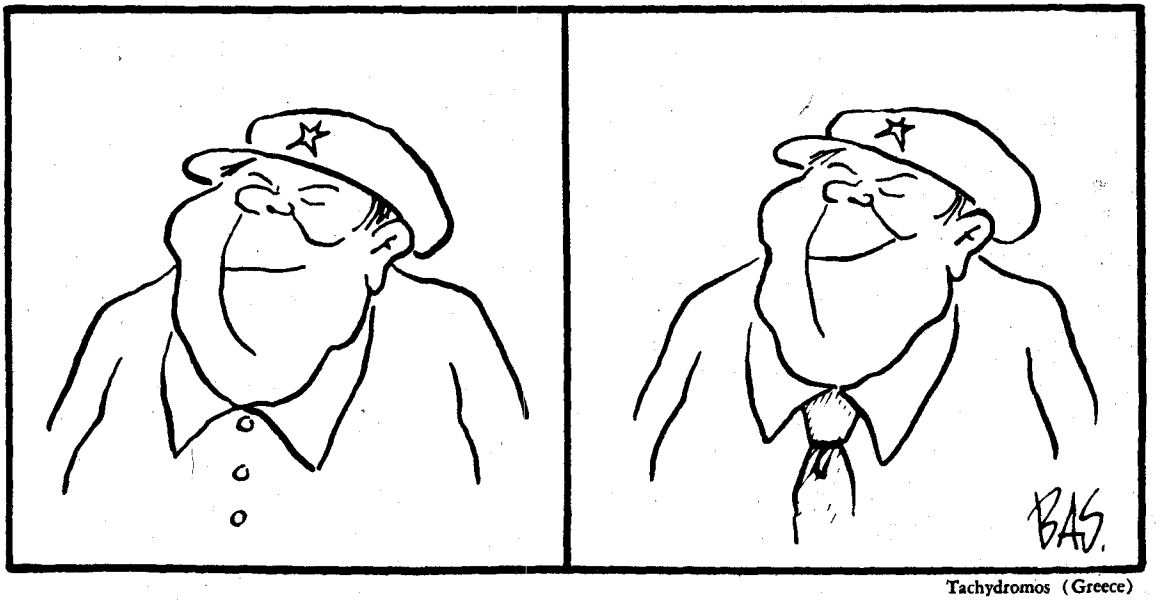
The NPC duly deliberated, and the power structure took on some new aspects. Hua Kuo-feng was confirmed in his position of Premier—the post he received originally in April 1976 by *diktat* of Mao Tse-tung. In addition, as CCP Chairman, he is ex officio Commander in Chief of the PLA. The first Vice Premier (of thirteen) turns out to be the twice-purged Teng Hsiao-p'ing, sponsor of the pragmatic "General Program for All the Work of the Whole Party and the Whole Country" stigmatized by the Gang of Four, in their day, as a "poisonous weed." Teng, who possesses among his various titles that of Chief of General Staff and who attended the Congress as one of the PLA's 503 delegates, was also elected Chairman of the CPPCC—a post last held by Premier Chou En-lai. The significance of his accession to that position is that the CPPCC, which last met formally in 1964, has clearly been resuscitated for the express purpose of implementing the "united front" concept—the function for which it was originally designed.

The second Vice Premier is Li Hsien-nien, third CCP Vice Chairman and a leading figure in the field of economics. After Li comes Hsu Hsiang-ch'ien, elevated at the age of 76 to be Minister of National Defense while the former incumbent, the venerable Yeh Chien-ying, becomes the Chairman of the NPC Standing Committee—and thus the titular head of state. And Marshal Yeh is prime representative of the moderate military faction. In short, the pragmatists are solidly established in positions of critical authority.

The Congress of course adopted the proposed ten-year economic plan. It also approved a new constitution. The latter document, twice as long as that of 1975 (sixty articles as compared to thirty), provides interesting responses to some of Hua's propositions. The preamble, voicing the contemporary orthodoxy, consolidates the apotheosis of deceased Chairman Mao Tse-tung. Apart from that, and a number of other ritualistic verbalizings, the document discloses various concrete measures intended to achieve the national goals. Major emphasis is given the "united front" concept. There is an obvious bid for the increased support of the country's non-Han peoples in the enhanced status provided for nationalities, with the statement that there should be "unity and fraternal love" among them. As stressed since the purge of the Four, the guideline in wage policy is to be: "From each according to his ability, to each according to his work." Wage differentials are presented in a favorable light, egalitarianism does not appear even as a distant goal. Now there is to be a general policy of "combining moral encouragement with material reward."

More specific—and more democratic—provision is made for exercise of the franchise in local elections. The constitution expresses a new liberalism in the provision of Article 14 that "The state applies the principle of 'letting a hundred flowers blossom and a hundred schools of thought contend' so as to promote the development of the arts and science and bring about a flourishing socialist culture." And the document clearly envisages further enactment of legal codes, to make the citizen more secure in the exercise of his rights—with provision as well for prohibition of disruptive activities. In sum, there is obviously to be a strengthening of "socialist legality." The new constitution still characterizes the PRC as a "socialist state of dictatorship of the proletariat," but the new order is to be distinctly less "proletarian" than when the Great Helmsman was alive.

The most significant changes appear in the administrative structure. Not only have NPC functions been enlarged but so also have those of its Standing Committee, with broad powers exercised by its Chairman (Hsu Hsiang-ch'ien). The NPC is no longer, as before, "under the leadership of the Communist Party of China." Nor is the PLA now described as being the nation's defense force "and simultaneously a working force and a production force." The PLA leadership, in this changing world, has developed a new strategic outlook, and it wants an army of professionals. The Procuratorate recovers its independence under the new constitution, and it and the courts are accorded broadened jurisdiction.



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Revolutionary committees, introduced during the GPCR, are retained for governmental purposes at lower administrative levels, but they have been abolished in schools, factories and farm brigades. Administrative expertise is to be harnessed, to take the place of the "people's will." In general, there is provision for increased bureaucratic discipline.

All this has important implications for China's foreign policy. Hua repeated the well-worn Maoism to the effect that "Countries want independence, nations want liberation and the people want revolution." And, true to the dogma, he saw war between the Soviet Union and the United States as "inevitable." However, the preamble of the new constitution, more in line with world sentiment, now commits the nation not only to form the broadest possible international united front against superpower hegemony *but also against a new world war,* and to "strive for the progress and emancipation of humanity." And, as far as China itself is concerned, the felt need for "great order" and progress at home can be served effectively only by a generous measure of orderliness in foreign relations. This means that the People's Republic of China will be caused, more than ever before, to accept established modalities for international exchanges in the economic field—and also in international political relations. The national economic imperative will take precedence over world revolution. The "great order" at home will inevitably contribute to the molding of Chinese foreign policy in the critical years—perhaps decades—ahead. □

ALLEN WEINSTEIN'S 'PERJURY'

The Case Not Proved Against Alger Hiss

Victor Navasky

In interviews, advance publicity and his publisher's advertising and jacket copy for *Perjury: The Hiss-Chambers Case,** Allen Weinstein, the Smith College historian temporarily at the Hoover Institution in Stanford, Calif., has presented himself to the world as a young man who "set out to write the definitive, objective work in the belief that Hiss was innocent" and that Whittaker Chambers has "falsely accused him of Communist ties and espionage," but who concluded after five years of intensive research that Hiss had indeed been guilty.

As *Time*, to which an advance copy of the book "was made available" two months before publication, put it in a 3-page feature, "Weinstein turned up previously undisclosed evidence that inexorably led him to his unqualified verdict: 'The jurors made no mistake in finding Alger Hiss guilty as charged.'" It is, at first, difficult not to be swept along by the avalanche of people and documents which, according to the author, "confirm" or "corroborate" one or another aspect of Chambers's story.

The image Weinstein projects is of the truth-seeking scholar who traveled 125,000 miles, interviewed "over eighty people who had special knowledge of the case or its protagonists," carefully studied the transcripts of a score of Congressional hearings, two trials and various appeals, analyzed 80,000 documents made available under the Freedom of Information Act, and diligently plowed through archive after archive in this country and abroad, files at departments throughout the federal government, and the voluminous Hiss defense files, before painfully deciding that Alger Hiss indeed passed stolen State Department papers to Chambers as part of an underground Soviet espionage apparatus in the late 1930s.

No wonder the first round of reviewers are stampeding to honor this historian who ostensibly altered his beliefs to fit the facts as he found them, and to proclaim that this unfinished cold-war business is at last resolved. George Will writes in *Newsweek* that Weinstein's book is a "historic event. . . . It is stunningly meticulous and a monument to the intellectual ideal of truth stalked to its hiding place. It is also a substantial public service. . . . The myth of Hiss's innocence suffers the death of a thousand cuts, delicate destruction by a scholar's scalpel." Alfred Kazin in *Esquire* calls *Perjury* "an impressively unemotional blockbuster of fact." He writes: "After this book, it is impossible to imagine anything new in this case except an admission by Alger Hiss that he has been lying for thirty years."

The book is important because the case is important. Not merely Hiss, wrote Alistair Cooke in 1950, but a generation was on trial. Chambers himself called the case an epitomizing one. "It epitomized a basic conflict. And Alger Hiss and I were archetypes. That is of course what gave the peculiar intensity to the struggle." Arthur Schlesinger, Jr. (who believes Hiss guilty) complained of Chambers's writings—after Hiss was convicted of perjury at a second trial (the first ended in a hung jury) —that they divided the world into "messianic Christian anti-Communists" and "aesthetic Communists"; but for many others, if Hiss was guilty then the New Deal was corrupt, the State Department had been subverted, Yalta was a sellout, the U.N. was a Communist plot, the possibilities of peaceful coexistence with the Soviet Union were shattered, incipient cold-war repression became defensible. While Weinstein gives the Hiss case too much credit for inciting the cold-war hysteria (the Un-American Activities Committee hearings on Hollywood, preparation for the trial of Communist Party leaders under the Smith Act, the Truman Executive Order on loyalty,

* Alfred A. Knopf. 674 pp. $15.

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the Mundt-Nixon bill all predated Hiss), it undoubtedly facilitated and accelerated the meteoric rise of McCarthy and McCarthyism.

John Strachey, writing in 1962, put the case in its most cosmic context when he identified Chambers as part of the literature of reaction, "not only against Communism but against five hundred years of rationalism and empiricism; against in short, the enlightenment."

Weinstein takes it upon himself to update what he calls the "iconography" of the cold war with the iconography of Watergate. He quotes philosopher Richard Popkin, who argued that "Unravelling the Ellsberg burglary will unravel what was involved in Richard M. Nixon's whole career: fraud, fakery, framing of innocent victims. . . . When we know more about how the Ellsberg case was plotted, we will know how the Hiss case itself was constructed . . . the Hiss case may turn out to be the American Dreyfus case."

Weinstein seems put out that many liberals and moderates began to view Hiss as a spiritual ancestor of the Ellsbergs, Berrigans, Spocks and Coffins—conspicuous for having fought government injustice and illegality during politically motivated trials. "As anti-war sentiment converged with popular outrage over Watergate," he writes, "Hiss found himself transformed from a symbol of deception into one of injured innocence. Watergate and more responsive media brought Hiss, in short, a renewed measure of public acceptance. . . . Watergate helped create a new generation of believers in Hiss's innocence. The cultural verdict of the previous quarter century—indeed, the jury's verdict itself—was abruptly brought into question by Americans unfamiliar with the complex facts and history of the case."

Weinstein has aligned himself with those cold-war intellectuals who presumably sleep better at night secure in the knowledge that there *was* an internal Communist espionage menace (Hiss, the Rosenbergs, Remington, Sobell, Coplon, et al.) which might have justified the cold-war repression with which they collaborated and/or helped rationalize.

Here it should be noted that Weinstein himself seems not above enjoying a little iconographic con, so to speak, of his own. A review of his previous writings reveals no commitment to the innocence of Alger Hiss. If he did believe Hiss to be innocent, he never said so in print—certainly not in his major writings on the case in *The American Scholar* (1971), *Esquire* (1975), *The New York Times* (1976) and *The New York Review of Books* (1976). And even though he recently told the editor of *The Daily Hampshire Gazette* (Northampton, Mass.) in a front-page interview that in 1974 he wrote with R. Jackson Wilson a high school textbook *Freedom and Crisis: An American History*, "which concluded that Hiss was innocent," a close reading of the chapter on the case fails to reveal any such conclusion (although in fairness it should be pointed out that, as in his *American Scholar* article, he raises real questions about Chambers's reliability).

My own suspicion that Weinstein was not quite as scholarly as he appears to be commenced, I should confess, a few years ago when I was shown a copy of his letter to the Justice Department requesting access to materials on the Rosenberg case. He assured the U.S. Attorney General that, unlike some other writers whom he proceeded to name with quite reckless abandon, he believed the Rosenbergs guilty. I say "reckless," because I was one of the writers he named (although his reference to me was syntactically ambiguous) despite the fact that at the time I had written nothing about my views on the Rosenbergs' innocence or guilt. Anyway, my suspicion was sufficient to cause me, after rereading Weinstein's earlier articles on the Hiss case, to conduct an elementary source check with some of the people he interviewed for *Perjury* (to see if they were accurately quoted), and to examine some of the documents he cites (to see if they are cited in context). The preliminary results suggest that the hurry to any sort of judgment on the case, based on *Perjury* alone, may be somewhat premature.

In his *American Scholar* article ("The Hiss Case Revisited"), Weinstein concluded a rigorous, tough-minded and generally fair discussion of the pros and cons of the case by restating the uncertainties which he seemed to feel made contemporary assessments of innocence or guilt incautious. He wrote:

> Perhaps only a master novelist can bridge our present impasse, but the historian still must attempt to establish the facts where possible and where not, to expose the inconsistencies of partisan accounts. The time has come for a thoroughly researched reassessment of the Hiss case, but without the release of the grand jury records, the executive files of HUAC and the relevant records, the "complete" story of that controversial affair may never be known. Granting the episode's pivotal importance in the political life of recent America, however, historians must begin to confront the case itself to prevent either of its partisan versions from hardening into myth.

After reading and rereading *Perjury*, I couldn't agree more. Whatever his original motives and aspirations, Professor Weinstein is now an embattled partisan, hopelessly mired in the perspective of one side, his narrative obfuscatory, his interpretations improbable, his omissions strategic, his vocabulary manipulative, his standards double, his "corroborations" circular and suspect, his reporting astonishingly erratic (brilliantly enterprising where it serves, nonexistent where it complicates, and frequently unreliable). His conversion from scholar to partisan, along with a rhetoric and methodology that confuse his beliefs with his data, make it impossible for the nonspecialist to render an honest verdict on the case. This condition, however, should not inhibit us from rendering a necessarily negative verdict on the scholarship itself.

Narrative Obfuscation

Followers of the Hiss case have heard much about the Woodstock typewriter (Was it a forgery? Did Chambers have secret access to it? Was the machine at the trial the one which really typed the letters introduced in evidence?, etc.), the Bokhara rugs (What sort of secret agent would give four identical rugs as presents to his four most secret operatives?), the dispute over how well

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and for how long and under what names ("Carl," "George Crosley" or "Karl") the Hisses knew Chambers, under what circumstances they met and when and where, and did Hiss give Chambers an apartment, a car, a loan, etc.? All of these matters came up at the two perjury trials and have been fought and refought in court appeals and in the magazine articles and books which have been coming out regularly since the last court appeal in 1952.

But until Weinstein came along we have heard nothing outside of Chambers's own memoir, *Witness*, to corroborate Chambers's version of what he claimed were his six years in the Communist underground. Since Weinstein found no new witnesses who could directly implicate Hiss, he places great stress on the many people he talked with and the many documents he consulted which appear to corroborate Chambers's statements on matters other than Hiss. His reasoning is clearly that if Chambers was telling the truth about such matters as J. Peters and Colonel Bykov's being the head of the Communist underground, and telling the truth about how he was recruited into the party by "Charles" (Sam) Krieger, and telling the truth about Felix Inslerman, the microfilm photographer with whom he said he worked in the C.P. underground, and telling the truth about setting up with literary agent Max Lieber an espionage front called the American Feature Writers Syndicate, then it might be reasonable to assume that Chambers was a credible witness.

What Weinstein does not tell us, however, is that he has transposed *Witness* from the first to the third person and that much more of *Perjury* than one might deduce from the footnotes draws on material in the earlier book. Such a narrative strategy gives us Chambers's version of events sometimes in his own voice, sometimes in Weinstein's voice, and sometimes imputed to other characters in the drama, without our ever being quite sure which is which, but all of it adding up to a psychological structure that lends Chambers a perhaps undeserved credibility, and in which any inconsistencies in Chambers's story are concealed or glossed over. The problem is compounded by Weinstein's failure to flag contested claims as they arise.

For example, the extremely important matter of the date on which Chambers quit the party. That date is critical because the papers Chambers produced, allegedly from Hiss were all dated between January and April 1938. If Chambers quit the party in 1937, as he stated under oath on at least sixteen separate occasions, then his story is seriously compromised. It was only after he produced the seemingly incriminating papers in November 1948 that he "remembered" leaving the party in April 1938 and mentioned espionage for the first time. How does Weinstein handle this matter?

As early as the introduction we are told that Paul Willert, an Oxford University Press editor, "gave Chambers translating work prior to the latter's break with the CP in April 1938 and later that year warned Chambers that a Comintern agent had arrived from Europe looking for him." The story is purportedly Willert's (I say purportedly because Willert told me he never knew Chambers was a Communist or warned him about a Comintern agent), but the 1938 date given for Chambers's break is Weinstein's.

Again, on page 5, Weinstein describes Chambers in the HUAC witness chair. "After defecting in 1938, Chambers asserted he had lived in hiding, sleeping by day and watching through the night with gun and revolver. . . ." But if he had not intruded as narrator, Weinstein would have had to cite Chambers as saying he left the party in 1937, which was Chambers's story at the time, and which he repeated on six subsequent appearances that same month. Moreover, in April 1949 Chambers told the FBI that he left the party one month before he had received the manuscript from Oxford. Throughout the book we encounter entries like: "When Chambers defected in April 1938 he took with him as evidence. . . ." The one time Weinstein mentions the discrepancy in dates he says, "More than a decade had passed since his described friendship with the Hisses and Chambers later admitted inaccuracies in his original August 3 testimony and in some cases at the August 7 hearing. Thus he met Hiss in 1934, not '35, and his defection from Communism came in 1938 rather than in 1937. . . ." But these were not "admissions." They were adjustments, essential to the credibility of Chambers's tale, and Weinstein never lets the reader in on the grand dimensions of Chambers's conflicting court and committee testimony and FBI statements.

The Scholar as Reporter

Arguably, Weinstein's deceptive narration could be cured by proper footnoting, but the confusion it creates in terms of who is corroborating what, is compounded by what turn out to be the author's considerable limitations as a reporter.

As historian-detective, Weinstein deserves the highest compliments for tracking down and sitting down with such as J. Peters (a major character in Chambers's memoir, who accepted voluntary deportation to Hungary in February 1949); Ella Winter, whom Chambers allegedly tried to recruit; Karel Kaplan, a Czech historian privy to accused spy Noel Field's interrogation about Hiss, and Maxim Lieber, Chambers's literary agent, and alleged co-conspirator, who was forced to live outside the country for eighteen years. And on principle Weinstein should be credited with unearthing long-forgotten conflicting memorandums in the Hiss legal files. But one should closely examine the way he uses what he was told by these historically important characters (some of whom I reached in an attempt to check out Weinstein's "corroborations"), and carefully scrutinize the interpretation he puts on the Hiss legal documents.

J. Peters (Joszef Peter). Consider Weinstein's much-trumpeted interview with this man, whom he confidently describes, despite Peters's *"pro forma* denials," as "the head of the Communist underground in this country," a "professional Soviet agent." To help document his description of Peters, he cites David Dallin's account of Soviet espionage, which characterizes Peters as:

> Indefatigable . . . an outstanding leader, man of many aliases and a multitude of clandestine assignments, who remained at his American post from 1933 to 1941. His era was marked by great exploits [and] . . . [he was]

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> the most active, energetic, and resourceful man in those obscure depths of the underground where Soviet espionage borders on American communism.

What Weinstein neglects to mention is that the passage in question was unfootnoted, that Dallin's papers, which were promised to Yale by 1970, have never arrived, and that Dallin's chief source is none other than Whittaker Chambers (so he is corroborating Chambers with Chambers). Credentials aside, however, what is the new, albeit inadvertent evidence Peters has provided? Here, believe it or not, is the totality of what Weinstein refers to when he says that he heard Peters "confirm details of Chambers's underground work." It occurs in footnote 95, Chapter 1:

> . . . My long talk with Peter in Budapest was his first with a non-Communist Western scholar since his 1949 deportation and included his first public comments on the Hiss-Chambers case. Peter smiled once during our talk when I suggested that his frequent use of the terms "open" and "secret" Communist parties when describing the division in American CP ranks indicated an awareness of that second realm which most Party "functionaries" would deny having possessed.

If anything more than Peter's smile was involved in his confirmation of Chambers's activities, we are given no evidence of it.

Ella Winter. He tracks down Lincoln Steffens's widow, Ella Winter, in London, and reports her recollection: "While walking along a Manhattan street with a friend during the mid-Thirties, Chambers, who had previously tried—and failed—to recruit her for the underground using the name 'Harold Phillips' suddenly came into view. 'Don't take any notice of that man,' her friend, a leading film distributor, quickly cautioned her. 'That was Whittaker Chambers, who is doing secret work for the Party.' "

But when I wrote Ella Winter to ask whether that was indeed her recollection she replied: "My film friend did *not* say 'who is doing secret work for the party. On the contrary, we had just passed Sidney Howard on Fifth Avenue and the bogus Chambers, who knew my film friend, asked me if I knew Sidney Howard and would I introduce him. I did not introduce him to Sidney Howard.'

"Chambers never 'tried to recruit me for underground work' or even for the CP," Miss Winter adds.

Sam Krieger. With an introduction from Alden Whitman of *The New York Times*, Weinstein travels to Rhonert Park, Calif., where he interviews Sam Krieger, the man who recruited Chambers into the Communist Party and, according to Weinstein, "an important Communist organizer during the Gastonia textile strike of 1929," who "fled to the Soviet Union" during the 1930s before he returned to California where he now lives in retirement. He also reports that Krieger took Chambers to his first C.P. meeting, whereupon he was immediately signed up, and shortly thereafter joined the IWW too.

But when I sent Mr. Krieger photostats of the pages in Weinstein's book concerning him he replied, "No, Weinstein's account does *not* correspond with what I told him, nor did I tell Weinstein, in our interview, that I was the Clarence Miller of the Gastonia, N.C. textile strike, who subsequently fled to the Soviet Union.

"Also, Chambers was not admitted to the party at his first meeting nor did he bring two Columbia University friends, whom he was trying to recruit, to a branch meeting. Likewise, I never told Weinstein that Whittaker Chambers became a member of the IWW after joining the Communist Party." (The sources Weinstein cites for these latter "facts" are an FBI summary report and Krieger.)

Karel Kaplan. One of Weinstein's more spectacular finds was Prof. Karel Kaplan, who left Czechoslovakia in 1976 with a significant archive collected during his eight years as archivist for the Czech Communist Party's Central Committee. According to Weinstein, Kaplan, a member of the Dubcek 1968 commission which investigated the political purge trials of the late Stalin era in which Noel Field figured prominently, had read the long interrogations of both Noel and Herta Field by Czech and Hungarian security officials (after they went to live in Czechoslovakia) and he shared his findings with Weinstein in Munich where "he described to me the material in those files that dealt with Alger Hiss."

Kaplan, according to Weinstein, confirmed Hiss's relationship with Field "in the Communist underground." "According to Kaplan, Field named Alger Hiss as a fellow Communist underground agent in the State Department during the mid-Thirties," writes Weinstein, quoting Kaplan: "Field said that he had been involved [while at the State Department] and that Hiss was the other one involved after he joined the Department. One major reason Field gave to his interrogators for not having returned to the United States in 1948 was to avoid testifying in the Hiss-Chambers case."

Weinstein cites but does not quote from an eloquent 2-page letter Field wrote Hiss after he got out of prison and read Hiss's book, *In the Court of Public Opinion*. Field offers to provide an affidavit attesting to the falseness of the evidence implicating Hiss (as it related to Field) and expresses his belief in Hiss's innocence. Weinstein cites but does not quote from Flora Lewis's account, in her biography of Noel Field, of the torture he endured in prison—torture, one assumes, which has a bearing on the reliability of anything he may have said.

I wrote to Kaplan, now employed with Radio Free Europe in Munich, and he wrote back, among other things: "N. Field testimony, as far as I can remember, did not contain any facts or explicit statements which would indicate that A. Hiss was delivering U.S. documents to the Soviet Union."

Maxim Lieber. Weinstein states in his introduction that "the revelations of five participants in Soviet intelligence work in the United States and Europe during the 1930s—Joszef Peters, Nadya Ulanovskaya, Maxim Lieber, Paul Willert and Hede Massing—proved particularly instructive."

Peters was a well-known Communist Party official in the 1930s who wrote pamphlets and ran for public office but who, as we have already seen, denied participation in any "Communist underground" operation in the United States. Massing's story about having met Hiss in Field's apartment was (*a*) given under threat of deportation (not mentioned by Weinstein) and (*b*)

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denied by Field. Willert tells me he never "participated in Soviet intelligence work in the U.S.," never told Weinstein he did, and never knew Otto Katz to be a "high ranking Comintern representative," as Weinstein suggests he did. Ulanovskaya is a peripheral figure (with at best second-hand information garnered from her late husband), who left the United States in 1934 without ever having met Hiss. But the man Weinstein cites sixteen times as "confirming" or "corroborating" or "participating" in secret work with Chambers, is Chambers's one-time friend, business associate and literary agent, Maxim Lieber, now living in Connecticut after spending the years 1950-68 first in Mexico and then in Poland, a refugee from the domestic cold war.

Weinstein calls Lieber a "sometime associate [of Chambers] in the underground," and says Lieber identified Peters as "the head of the whole Communist espionage apparatus in this country," and "worked with [Chambers] for a time on an underground project." Weinstein writes that "convincing corroboration of Peters's work as an agent during the 1930s came from . . . my interviews with Maxim Lieber, whom Peters assigned to occasional underground jobs. . . ." He describes Lieber's role in the American Feature Writers Syndicate as that of an "agent" engaged in "espionage abroad," "a front for Soviet espionage." Weinstein says Lieber gave Col. Boris Bykov ("the chief agent for Russia in the United States during the thirties") "low marks" as a spymaster. Weinstein credits Lieber with warning Chambers, who believed the KGB was after him, about Otto Katz (another client). He quotes Lieber as saying, "Some things are romanticized in *Witness*, but most of it—as I know of the incidents—is true."

But when I talked with Lieber, who freely admits to having been in the party and who represented party authors, among others, he told me (*a*) "I never read *Witness*—Weinstein is quoting me out of context." (He asked if he could borrow the office copy.) (*b*) "I was never a member of any underground and I never worked with Chambers on any underground project." (*c*) "The account of the American Feature Writers Syndicate (which was designed to sell the works of my clients such as Erskine Caldwell and Josephine Herbst overseas, and was not an underground project at all), is an amalgam of a little truth and a lot of fiction—I don't know where Weinstein got that stuff unless it is in *Witness*—but it did not come from me, which is what he makes it sound like." (*d*) "I could not have identified Peters as the head of the underground because I knew nothing of the underground. I only met him once at the very end—and I do not remember meeting anyone named Bykov. I have no idea who was the head of the Communist underground in America. And I could not have warned Chambers about Katz, since I had no idea who Katz was supposed to be. To me he was a client. I never met or saw Priscilla or Alger Hiss or even knew about them until the trial. Weinstein's story is sheer poppycock. My son says I should consult a lawyer."

Donald Hiss and "The Woodstock Cover-up." Asked by a sympathetic interviewer, "Would you say you made any discovery that clinches the case against Hiss?," Weinstein told *Politicks*, "The strongest incriminating evidence I found in the defense files concerns what I call the *real* 'Woodstock cover-up.'" Weinstein goes on to zero in on the role of Alger's brother Donald, whom he accuses of having traced the whereabouts of the typewriter to a Washington trucker and junk dealer named Lockey in February, but keeping the FBI and the Hiss lawyer who ultimately found the typewriter (McLean) in the dark about it until April. Gary Wills, writing in *The New York Review of Books*, found this discovery "the most damaging of all. It knocks into a cocked hat all the theories of a planted, altered, or forged typewriter."

But Weinstein never discusses in detail a February 26, 1951 memo in the defense files which gives Donald Hiss's version of the episode, and when I wrote Donald Hiss to ask if Weinstein had accurately included his own explanation for "the mysterious pause" of two months, he replied: "Mr. Weinstein had exactly one interview with me. . . . Weinstein raised three subjects and only three during the interview. . . . He made no mention whatsoever of the typwriter or my search with Mike Catlett for it. [He] asked if I would be available to answer any further questions should they occur to him. To this I answered that I would be available at any time. He has never contacted me by mail or telephone since then. The interview was extremely brief and lasted no more than 10 to 15 minutes."

Weinstein is not, of course, required to believe Alger Hiss's brother, but the canons of scholarship would seem to insist that he hear Donald's version before dismissing it. Had he interviewed Donald Hiss he would have been told that on his February trip to Lockey, Donald discovered not the Woodstock but a different old typewriter, the Royal, and "The above trip to Lockey was reported by me to McLean." He would have been told a lot more, but my point is not to argue the merits of the case, merely to note the inadequacy of Weinstein's much-ballyhooed research.

Weinstein's other piece of significant incriminatory information—the one which stimulated his headline-making 1976 charge in *The New York Review of Books*—is that memorandums in the Hiss defense files proved that "Alger Hiss lied." According to Weinstein, "A defense lawyer, John F. Davis, on December 28, 1948, wrote the chief counsel that Alger Hiss asked him earlier that month to check on an old typewriter 'which he remembers he gave to the son of Claudia Catlett [a housekeeper] who used to do the washing.'

"Hiss shortly thereafter denied to the FBI and the Grand Jury specific knowledge of the missing typewriter. . . . This means," Mr. Weinstein asserts, that "Hiss deliberately misled the FBI, the Grand Jury and two trial juries about his knowledge of the Woodstock typewriter's whereabouts." He adds that "Mr. Hiss three times between December 10 and 15 told the Grand Jury that he had no knowledge of how the typewriter had been disposed of."

But a reading of the Davis memo, a search through the Hiss files and a reading of the correspondence which

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WEINSTEIN MISCASTS THE CHARACTERS

according to Weinstein... ...but research shows

Sam Krieger

Krieger, "an important Communist organizer during the Gastonia textile strike of 1929," who fled to Russia during the 1930s, was Chambers's sponsor for entrance into the Communist Party in 1925. (Chambers remained a member of the party until 1929, and then rejoined in 1931.)

Sam Krieger was not involved in the Gastonia strike, nor did he ever flee to Russia. Krieger, the only person mentioned by Weinstein as an associate of Chambers in the party in the 1920s, asserts that "Weinstein's account of Chambers's party activities . . . is not only implausible but factually inaccurate." Krieger says that Chambers was dropped from the party in 1927 and, given Chambers's reputation, that it would have been inconceivable for him to be recruited later for any party work.

Alexander Trachtenberg & Charles Dirba

Chambers had quit the party in 1929. But by the end of 1931 "Chambers had made his peace with Communist Party officials, meeting first with Alexander Trachtenberg —the party's leading cultural 'commissar'—and with an even more important (if mysterious) figure, Charles Dirba, head of the C.P.'s Central Control Commission, which screened members for ideological deviation."

Weinstein omits mention that, when interviewed in 1957, Trachtenberg asserted that he "never knew Chambers was a member of the Communist Party." Dirba, also interviewed in 1957, denied that any such reconciliation could have occurred.

Max Bedacht

In the spring of 1932 Chambers was recruited for "secret work" in the party by Max Bedacht, a member of the American Communist Central Committee. During this period "Chambers did little more for the group than to pass messages back and forth between the Russians and Max Bedacht." Bedacht was Chambers's superior in the Communist underground through 1933.

Weinstein fails to mention that Bedacht, both in testimony before HUAC in 1949, and in a sworn affidavit in 1957, denied ever participating in underground or espionage work: "I certainly never had at any time any underground contact with any country in the world." Further, Bedacht denied ever knowing Chambers in connection with the Communist Party, though he may have met him once when he placed an ad in the *New Masses*.

Katherine Wills Perlo

The Washington "underground Communist group," headed by Victor Perlo, was "confirmed" when "Katherine Wills Perlo wrote an anonymous letter to the White House in 1944." "Mrs. Perlo accused her husband of engaging in espionage and named others in the group." However, "Katherine Wills Perlo suffered an apparent emotional breakdown in 1949."

Weinstein does not say that Mrs. Perlo's mental problems began long before 1949. In fact, in 1944 when she wrote the letter, her psychiatrist, Dr. Weininger, reported that "Mrs. Perlo was under his care suffering from mental disorder." Weinstein also omits the fact that Dr. Weininger is one of those named as a member of the alleged Communist conspiracy. The FBI agents who questioned her found that "her answers were very incoherent." Finally, contrary to Weinstein, Mrs. Perlo's letter never alludes to either "espionage" or "underground activities."

Ella Winter

Chambers knew Ella Winter, then married to Lincoln Steffens, in the 1930s. (*a*) Chambers had "previously tried—and failed—to recruit her for the underground." (*b*) Ella Winter "corroborated Chambers's role as an underground agent." (*c*) Chambers tried to get Ella Winter to introduce him to one of her friends on the Nye Committee. (*d*) Lincoln Steffens had been told about Chambers's position in the underground.

A letter from Ella Winter makes the following points: (*a*) "Chambers never tried to recruit me for underground work or even for the CP." (*b*) "I never had any idea that 'Chambers' was an underground courier." (*c*) She arranged for the introduction for Chambers but "I thought, 'this man is nuts' . . . you see I did not have an *inkling* that he was recruiting for any underground." (*d*) "Steffens knew nothing whatever of Chambers's nefarious activities."

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Maxim Lieber

(*a*) Maxim Lieber, "Chambers's sometime associate in the underground, identified Peters as the head of the whole Communist espionage apparatus in this country." "Peters assigned [Lieber] to occasional underground jobs." (*b*) Peters and Chambers set up the plan for the American Feature Writers Syndicate, a cover for espionage operations. (*c*) According to Lieber, " 'Some things are romanticized in *Witness*, but most of it—as I know of the incidents—is true.' " (*d*) Lieber is one of the "four members of the Communist underground" to confirm Chambers's identification of Bykov.

Lieber writes that Weinstein must have "made all these things up out of whole cloth." (*a*) "I could not have identified Peters as head of the underground because I knew nothing about the underground." (*b*) "The American Feature Writers Syndicate . . . was not an underground project . . . and had no connection with espionage." (*c*) "I never read *Witness*." (*d*) "I do not remember meeting anyone named Bykov; I never met any Russian with Chambers."

Paul Willert

Paul Willert, American head of Oxford Press, gave Chambers translations to do early in 1938. "Willert had himself engaged in 'secret work' for the underground *German* Communist Party earlier in the 1930s . . . and he maintained close connections with the American Communist Party in 1939." Willert, who "confirmed the essential elements in Chambers's account of their relationship," warned Chambers after his defection that "Otto Katz," a Comintern agent Willert had known as Ulrich in Berlin, was tracking him down.

According to Willert, in a letter to *The Nation*: "Weinstein's book and Weinstein's references are inaccurate, untrue, or half truths. . . ." Willert denies being a member of the party, asserts that "there was never any question of my 'protecting Chambers,' " and never associated Katz with "Ulrich."

Boris Bykov

In 1935 " 'Bill' was replaced by Chambers's final Russian spymaster, a man he later identified as Colonel Boris Bykov." "Four members of the Communist underground during the 1930s other than Chambers—Maxim Lieber, Julian Wadleigh, William Edward Crane and Nadya Ulanovskaya—have identified Bykov as the Russian agent they met, knew, or worked with during this period."

Weinstein neglects the following problems in the Bykov stories: Chambers first mentions the name Boris Bykov in November 1948, associating it with a Russian he had known by another name and had met in 1937. Crane, after changing his story, asserted that he had met "Bykov" with Chambers in 1935 (a year before Chambers knew him). Wadleigh, after an initial denial, confessed to knowing "Bykov" but, in his version, the spymaster Bykov was one-armed. Lieber, of course, denies ever having been introduced to Bykov.

Walter Anderson

Walter H. Anderson, chief of the State Department's Record branch, was "one of the government's most important witnesses" and testified, at the first Hiss trial, "to the contents of each stolen document" and "the nature and distribution of each document." According to Anderson, fifteen or more copies of each document were distributed, though thirty-five persons had access to the documents in the code room.

Weinstein omits any reference to Anderson's testimony at the second trial. There, under cross-examination, he admitted that routinely, twenty-five to fifty copies of each document were distributed through twenty-two offices, where at least 250 people had access to them. The press-room received "a great many" of these documents. No records were kept of the destruction of extra copies. Anderson, the only witness to testify on the point, never claimed that any of the documents was "secret."

Licht

"Licht" was (*a*) a "Hiss investigator" who (*b*) "had been providing Hiss's investigators with material from the private files of the Communist publications *The Daily Worker*" and (*c*) was "evidently a C.P. official of sufficient influence to obtain back copies of these journals."

Weinstein's only cited source for the name "Licht" (and the only place the name appears) is one 1949 memo from Hiss lawyer Edward Mclean about an oral report from the investigator Schmahl. The entirety of the references to Licht are: "1. [Schmahl] has spent three more nights looking at files in Forest Hills made available by Licht. These are files of *The Daily Worker* and one folder of *The New Masses*. . . . 2. Licht says he has had a talk with Lieber. . . ." No additional evidence is cited to support Weinstein's curious identifications of Licht as a Hiss investigator or as a Communist Party official.

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followed the Weinstein article in *The New York Review* reveals that Weinstein has reached a shaky conclusion and not shared with the reader the available contrary evidence on which to make an independent judgment. First, the Davis document is, on its face, ambiguous. It refers to "an" old typewriter, not "the" old typewriter. Second, Weinstein doesn't mention other evidence which suggests that it was not Hiss who recalled the machine at all, it was his stepson Timmy Hobson; that Hiss merely relayed the message to counsel. In that context, asking counsel to "check on" something seems as much evidence of uncertainty as of certainty. Finally, Weinstein never explains the Hiss legal memorandums which document four simultaneous typewriter searches for three typewriters. If Hiss really knew where the typewriter was all along and if he knew which of his old typewriters was sought by the FBI, why would he waste his lawyers' and everybody else's time carrying on these simultaneous searches?

Strategic Omissions. Selectivity is a historian's prerogative, but some conspicuous omissions of key documents or accounts which complicate Weinstein's thesis (accompanied by a seemingly bold confrontation of less problematic materials) further undermine one's confidence in the enterprise. A typical example is his handling of the important evidence bearing on Chambers's claim, first made in November 1948, to have stored the stolen papers and microfilms in an envelope in a dumbwaiter at his nephew's house in Brooklyn in 1938. Weinstein dramatically deals with the contention that the materials could not have fit in the envelope, by describing a simulated experiment of his own where everything fitted. But he omits any mention of the defense's ultimate claim—an affidavit filed to support Hiss's 1952 motion for a new trial, by a chemist, Daniel P. Norman, president of New England's largest and oldest firm in the business of testing chemicals and papers, who tested the papers and the envelope and asserted that they lacked the markings and chemical stains which would inevitably accompany ten-year storage. Weinstein doesn't have to agree with Norman to acknowledge his findings.

In some cases a strategic omission is accompanied by what we might call a false inclusion, which occurs as a result of Weinstein's never-defined and interchangeable use of such terms as "Communist underground" and "secret work." Thus a "Marxist study group" becomes a "Commnist cell" becomes a "secret apparatus" becomes "underground work" becomes "espionage." In the case of New Deal economist Victor Perlo, accused by the notoriously unreliable Elizabeth Bentley of heading a spy ring, Weinstein writes in a footnote that, ". . . the witness's former wife, Katherine Perlo, had corroborated Bentley's charges against her ex-husband in an anonymous letter—later acknowledged by Mrs. Perlo—sent to the FBI several years earlier. Mrs. Perlo accused her husband of engaging in espionage and named others in the group, her list of names being comparable to Bentley's later one."

In fact, Mr. Weinstein neglects to mention that Mrs. Perlo was under a psychiatrist's care suffering from "mental disorder" when she wrote the anonymous letter and that she sent it to the President (not the FBI), charged membership in the Communist Party but said nothing about espionage, and in addition to naming her ex-husband as a member of the group, also included her psychiatrist.

A more blatant omission-distortion, because he uses her to "confirm" and "recall" the Ware group (another so-called spy ring identified by Elizabeth Bentley), concerns Weinstein's handling of the depositions, interviews and papers of the novelist Josephine Herbst. He says she confirmed that "the Ware group sometimes filched documents," and that they photographed the "stolen" government documents in the apartment she shared with John Herrmann. But I requested copies of Miss Herbst's affidavits (on file with the Emergency Civil Liberties Committee) and a close reading reveals that she never used the word "stolen" or "filched," that whatever documents the Ware group had were trivial and intended not for Moscow but *The Daily Worker* and that "She was absolutely certain that her apartment in Washington had never been used for developing pictures while she was there. It was a small apartment, she said, and the developing equipment would have taken a noticeable amount of space and [she] was sure she would have remembered." Weinstein uses Herbst to "corroborate" that Chambers met Hiss in 1934, but neglects to quote the FBI document which says she never met the Hisses or any member of the Ware group except Pressman whom she met in the CIO "and stated she knew nothing of the connection between her husband [Herrmann], Chambers and Ware."

It should by now not be necessary to list all of Weinstein's simple errors of fact. He says the HUAC hearings of August 3, 1948, marking Chambers's first appearance in public, were "unexpected" and that what Chambers would testify to was not known in advance, when in fact a press conference was held by the committee on August 2 in which (as *The New York Times* reported) Chambers was referred to as the next day's witness on the subject of Soviet espionage. He has Chambers working at *The Daily Worker* in New York two years before the paper was published there. He has Chambers telling the committee on the occasion of his first appearance that he defected "in 1938" when on eight different times that day he gave the date as 1937. He has Chambers rejoining the Communist Party in 1931—a year before even Chambers alleged that he rejoined the party. He states that Gardner (Pat) Jackson was Jerome Frank's assistant when Jackson never worked in the same office as Frank. He claims that Stryker was attractive to Hiss's advisers because of his books which included *The Art of Advocacy*. But *The Art of Advocacy* wasn't published until 1954, etc., etc., etc.

He makes the mistake of assuming that FBI memorandums provide answers rather than clues. Taking such documents at face value may be a sign of naiveté rather than malevolence. He complains of Hiss pressure on the Catlett family to "remember" the date on which they received the family Woodstock in a way which would help

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Alger, but neglects to consider or mention the impact of wholesale FBI harassment of potential witnesses, including threats of perjury suits, social disgrace, deportation, inspecting bank records and income tax returns, and arranging for hostile witnesses to lose their jobs. And when he does examine the possibility of FBI skulduggery his imagination runs short. Thus, when he considers the charge that Chambers's memory of a $400 loan from Hiss was influenced by FBI agents who one week earlier had gained access to records of Hiss's savings and checking accounts, he dismisses the possibility because the FOIA files show: "The records were not sent to New York, where Chambers was then being interrogated by agents of the FBI field office, but remained in the Washington field office." One is tempted to remind Weinstein that the bureau was not unaware of the telephone.

It is symptomatic of the sloppiness of the work that, without explaining the discrepancy, he says in the introduction that he has interviewed more than eighty people with special knowledge of the case but lists in the Appendix only fifty-six interviewees who gave important information. He includes some second-hand gossip about what Priscilla Hiss is supposed to have said at a Chicago dinner party in 1968 and when challenged on his sources, invoked the name of Alden Whitman, formerly of *The New York Times*, as one who checked out the story. Whitman told me, "I have no recollection of my checking out any Chicago dinner party." It never occurred to Weinstein to ask Mrs. Hiss.

Interviewees can always be found to claim they were misquoted, but the responses of Winter, Krieger, Willert, Kaplan and Lieber suggest that the distortions are too central to Weinstein's general mode of argument to be ignored, especially in the context of his selective use and misuse of documents not generally available for inspection. Can it be, one finally asks, that so many distinguished social commentators have been taken in by such a vulnerable enterprise? Without pretending to pass on whether it is the illiberal climate, the compelling iconography of Allen Weinstein, or simply the mesmerizing message of the thousands of "facts" he has assembled, which has caused the unfortunate celebration of his dubious achievement, this much can be said:

Perjury settles nothing about the Hiss case. It sets forth some new riddles, fails to solve them and ignores some old ones. Oddly, it doesn't really seem to take full advantage of the new Freedom of Information Act materials, thousands of which were still coming in as *Perjury* was coming out. It doesn't provide a serious motive or theory to account for Hiss's behavior since he was released from prison. Whatever new data Weinstein may have gathered are fatally tainted by his unprofessionalism, his apparent intolerance for ambiguity, especially when it gets in the way of his thesis. It would be a tragedy if the immediate impact of this unfair book were to deprive Alger Hiss, now 73, of a fair hearing on his uncoming *coram nobis* petition to set aside the verdict of the trial (his first court challenge to his perjury conviction since 1952). One suspects, though, that the only permanent damage Weinstein has wrought may be to the reputations of himself and those who too eagerly endorse his findings. The target of *Perjury* is Alger Hiss and his claim of innocence, but its temporary victim is historical truth. □

DON'T PUT *THAT* IN YOUR PIPE

THE CASE OF THE POISONED POT

LESLIE DANOFF

For more than two years, America's 16 million marijuana smokers have unknowingly consumed hundreds of tons of Mexican pot contaminated with an acutely toxic herbicide called paraquat, trade name Gramoxone. It is used extensively as a herbicide spray in Mexico's drug eradication program, financed by millions of U.S. tax dollars to cut the flow of marijuana and heroin across the border.

More than 2,500 tons of Mexican grass are smuggled into the United States each year, to supply 60 percent of the U.S. market. The National Institute on Drug Abuse (NIDA) has established that 13 to 20 percent of this marijuana—about 500 tons—contains paraquat. The institute has tested hundreds of pounds of marijuana confiscated in drug busts near the border since January 1976. The samples contained paraquat concentrations as high as 2,200 parts per million, 44,000 times the maximum tolerance level for food, set by the Environmental Protection Agency (EPA) at .05 ppm. The average concentration was 450 ppm.

But only in the last few weeks has NIDA detected paraquat residue in the marijuana smoke. Scientists familiar with the poisonous properties of paraquat are alarmed. Even small amounts of the herbicide can cause irreversible damage, including pulmonary fibrosis. There is no known antidote for paraquat poisoning.

A scientist at the EPA's Office of Toxic Substances describes paraquat as "a potent killer when taken orally. It's one of the few herbicides that affects the lungs directly. . . . Just inhale a pinch of it and you're dead." Paraquat is expected to be included on the EPA's forthcoming restricted list, which will limit its agricultural use in this country.

HEW has warned that regular or heavy smoking of tainted marijuana could result in permanent lung damage, but the cumulative cell destruction from low-level exposure may take years to show up. Each time a small amount of paraquat is inhaled with the marijuana, a bit of lung membrane is damaged. The fibrous scar

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tissue that grows over the damaged areas thickens the membrane. Less air can then be absorbed by the lungs.

The label of a paraquat container, carrying the skull and crossbones and POISON in bold type, is filled with warnings:

> This product is toxic to wildlife. Birds and other wildlife in treated areas may be killed. Keep out of lakes, streams and ponds. Do not apply where run-off is likely to occur.
>
> Ortho Paraquat CL is a contact herbicide that kills all green plant tissue. Do not apply under conditions involving possible drift to food, forage or other plantings that might be damaged or the crops thereof rendered unfit for sale, use or consumption.

How, then, is this marijuana, "unfit for sale, use or consumption," getting into the country? The paraquat is sprayed by teams of Mexican narcotics agents in year-round helicopter missions. But the sprayed plant must stay in the soil a few days for the defoliation process to work. The chemical needs bright sunlight to do the job; it then ceases to be poisonous. Paraquat kills the marijuana by interrupting photosynthesis.

But the farmers rush to harvest their cash crop as soon as the spraying raid is over. All available hands are mobilized. Within hours, the marijuana is tied in bundles, loaded on trucks, and sent on its way. It may stay in a convoy through the border or be transferred to a plane, boat or mules, reaching the United States intact, with its invisible coating of paraquat. The Southwestern states on the Mexican border—Texas, New Mexico, Arizona and California—are the most frequented points of entry, but some of the Mexican pot is also flown or shipped by sea to the East Coast.

There is no way the marijuana consumer can tell that what he's getting is contaminated. Bricks in which NIDA found the highest concentrations of paraquat looked entirely normal. It is true that some sprayed marijuana may have a yellow tinge, but Keith Stroup, director of the National Organization for the Reform of Marijuana Laws (NORML), says that dealers then pass it off as Acapulco Gold.

A public-interest lab has devised an inexpensive test for paraquat. For $5, PharmChem Research Foundation of Palo Alto, Calif. offers an Analysis Anonymous Service. Their paraquat test was developed with the cooperation of NIDA. People send in a tablespoon-size sample of marijuana, assign themselves a random five-digit number, and check with the lab for results in five days. So far, PharmChem has found paraquat in 22 percent of its samples.

While HEW warns Americans to stay away from toxic Mexican marijuana, the State Department stands firm in its commitment to the herbicide program. Between 1973 and 1977, it provided Mexico with approximately $50 million for marijuana and poppy control. The United States has contributed the forty-one helicopters used for spraying and has trained the Mexican pilots, mechanics and spotters. About twenty-five Drug Enforcement Administration (DEA) agents are assigned to the program. This year the U.S. Government has budgeted $15 million for the campaign and plans to give Mexico eighteen more helicopters.

Defoliation has been concentrated in the northern half of the Sierra Madres. DEA spokesman Cornelius Dougherty says that on both poppy and marijuana missions, American spotters and observers are sent "to have a handle to know what's being knocked off, how many fields are being sprayed." But the official U.S. position is that this government is concerned only with heroin, and does not participate in the anti-marijuana drive.

Dr. Peter Bourne, director of the White House Office of Drug Abuse Policy, has stated: "Since late 1975 the Mexican Government has been using paraquat to destroy illegal marijuana fields. While the United States has provided both the equipment and technical assistance to the Mexican Government for the eradication of illegal poppy fields, it is not participating in the marijuana eradication program. The paraquat for this program was purchased by the Mexican Government in Europe." However, State Department documents released under the Freedom of Information Act contradict this claim of noninvolvement. They also indicate that, ever since the first test sprayings were conducted by U.S. advisers, the government has been aware that large portions of the sprayed marijuana fields have been harvested.

In October 1975, John D. Ford, AID official, was sent to Mexico for the planning phase of the herbicide program. "The purpose of this trip was to test helicopter spraying on pre-selected marijuana fields," according to his memo of October 23, 1975. As Aviation Services adviser, he faced "strong opposition to helicopter aerial spraying among middle management." The Mexicans objected because "the growers would shoot at the helicopters if they did not have soldiers on board. I suggested that a helicopter loaded with soldiers and orbiting in the spray area (where several spray helicopters might be working) might solve this problem."

The State Department has reported that "fifteen Mexican officials have been killed in aircraft crashes, most while on helicopter missions in the hazardous flying conditions in the poppy-growing areas." (Briefing Materials on International Narcotics Control, April 1, 1977.) At least two DEA agents have been killed while supervising the eradication, and during the last year at least twelve Mexican officials were seriously injured.

It took a lot of convincing to get Mexico to agree to spray. In the fall of 1969, the United States first offered Mexico herbicides and airborne sensors like those used to detect enemy troops in Vietnam. That offer was part of Operation Intercept, the Nixon administration's highly publicized crackdown on Mexican heroin and marijuana trafficking. But the Mexicans turned down the spraying plan in October, considering the defoliation technique untested and capable of producing harmful side effects on normal crops. Six years later, U.S. negotiators made their breakthrough when Mexico finally agreed to give up its ineffectual field burnings.

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John Ford was able, in late fall of 1975, to design operating procedures acceptable to the Mexican Government. His tests showed that "herbicides will effectively destroy marijuana." They also indicated that marijuana sprayed with paraquat still had commercial value in some instances. He specified that the operations coordinator keep a "weekly written activities report in the following format . . . Hectarage/fields of marijuana destroyed by aerial spraying. . . . Estimate hectarage/fields of marijuana harvested prior to destruction" (February 3, 1976 memo).

Last year, the State Department estimates, 14,000 acres of poppy fields were destroyed by Dow Chemical's 2, 4-D and 9,500 acres of marijuana by Imperial Chemical Industries' paraquat. Department spokesmen cannot recall ever receiving figures on marijuana harvested prior to destruction. With "the narcotics situation in Mexico the number-one concern of our international program," the State Department says it's pleased with the results of the drug eradication program.

The United States is not about to tell Mexico to stop spraying, says Richard Dugstad, State Department narcotics officer. "We are talking about an illegal substance. . . . I can't envision the executive branch asking Mexico to change their law." The United States may, however, recommend alternate defoliants. This will insure continued consumption of contaminated marijuana.

Meanwhile, the drive to stop the program has been revving up. On March 13, the National Organization for the Reform of Marijuana Laws filed a federal suit against the Departments of State and Agriculture, the Agency for International Development, and the Drug Enforcement Administration. NORML director Keith Stroup argued that a "number of recent federal government reports and scientific studies have acknowledged that marijuana is a relatively harmless plant, and now, with the use of herbicides, the U.S. Government may be turning it into the killer weed which it propagandized against in the 1930s, '40s and '50s." □

LETTERS (*Continued from page 386*)

court order; (*6*) providing legislative and administrative criteria for sentencing and parole so as to promote equal justice; (*7*) inaugurating a system of appeal from sentences; heretofore there has been no remedy against the arbitrariness of individual district judges; (*8*) ameliorating (but, unfortunately, not eliminating) the penalties for petty marijuana transactions; (*9*) broadening the responsibility of corporate officers, whose reckless mismanagement facilitates the commission of corporate crime in fields such as consumer protection, civil rights, and environment; and (*10*) adding to the sanctions against corporate crime the possibility of an order requiring that conviction be publicized to other potential victims.

If someone in ACLU had had the audacity a year ago to announce this as his legislative program for 1978, he would have been dismissed as a political dreamer. If the program were enacted ACLU should organize the celebration, including dancing in the streets.

The virtues of the bill are, of course, no reason for accepting its defects. Some of these, notably last-minute amendments made on the floor of the Senate by right-wing oppositionists, must be corrected in the House. ADA has clearly indicated that its continued support depends on such correction. For example, the Logan Act, a 200-year-old dead letter penalizing discussions between American citizens and foreign officials, would have been repealed under Kennedy's bill; it was restored by floor amendment. Another last-minute floor amendment undercut Senator Kennedy's effort to narrow the federal role in obscenity prosecutions. ADA and other liberal forces have demanded substantial improvements in a number of other respects: reinstating Congressional definition of self-defense and other justifications and excuses; broadening the defense of entrapment; preserving a substantial role for parole as an additional safeguard against arbitrary sentences, at least until the system of sentencing guidelines proves itself; broadening the newly created right of appeal from sentences and eliminating appeal by the government; narrowing the scope of the offense of "trafficking" in relation to marijuana; eliminating jail sentences for infractions and reducing maximums for misdemeanors except for willful violators and recidivists; narrowing the scope of §1343(a) (false oral statements to law-enforcement officials); extending the guideline principle favoring nonimprisonment treatment for nonviolent first offenders; narrowing the scope of §1861 (public safety orders), at least by requiring authorization by higher officials and by exempting the press and public officials present for the purpose of observing and reporting and not actually obstructing emergency safety measures.

The issue which has fractured the liberal community in this instance is not what civil liberties are desirable—we are virtually unanimous as to that—but which are at present achievable. That is a political issue. On such an issue liberals would do well to align themselves with that master of politics who has already performed a political miracle for civil liberties in getting S. 1437 through the Senate largely unscathed, Senator Kennedy. ACLU and the National Committee Against Repressive Legislation have no power to bring about the enactment of an ideal bill. They have only the power to foster doubts among wavering or confused legislators, and thus to aid the forces of reaction and lethargy that are aligned against the Kennedy bill, i.e., against any reform whatever.

Louis B. Schwartz, Benjamin Franklin and University Professor of Law, University of Pennsylvania. He was director of the National Commission on Reform of the Federal Criminal Laws.

Cambridge, Mass.

Your reprinting of the Emerson-Lewis dialogue on the proposed Criminal Code constituted a real service to democratic debate over a fundamental issue of law reform.

When S.1 [reintroduced as S. 1437] was launched originally, I was strongly opposed to its enactment, as were many of my colleagues. It was in tone, in spirit, and in substance simply too prosecutorial in its orientation. At a time of contracting constitutional safeguards by the courts, many of us felt that enactment of this kind of legislation by Congress would not achieve an appropriate balance between the legitimate needs of law enforcement and the equally legitimate needs of our society to treat those accused of crime with justice and compassion.

Over the past year I have had the privilege of working with Senator Kennedy and suggesting certain changes and responding to the suggested changes of others. I think the process has been an extremely useful and valuable one. We have seen input from a great many sources in an attempt to depoliticize the process and to achieve a code which has both scholarly acceptability and acceptability to

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the wide spectrum of political views and law-enforcement views and needs reflected in this country. . . . Certain unfortunate provisions were added on the floor of the Senate that must be, and I believe will be, eliminated before the bill can be enacted into law. If these, and certain other changes are made, I would favor enactment of the Code, despite my disagreement with certain of its provisions. I would favor enactment for several reasons: (*1*) Recodification of the existing morass of disconnected and unrelated criminal laws is essential; (*2*) The proposed Code contains several major improvements over existing law, especially in the sentencing and commitment areas; (*3*) I am not aware of any important provisions of the proposed Code—excepting the provisions added on the Senate floor—which significantly curtail civil liberties in comparison with existing law. Accordingly, I believe that the proposed Code—especially with a few likely improvements—constitutes a net gain for civil liberties in an age where such net gains are few and far between.

The sentencing provisions go a long way toward reducing the sentencing disparity that plagues existing law. To be sure, there are dangers in a sentencing commission, just as there are in any institution. But the present system of individualized sentencing has proved its own inadequacy.

There is a growing consensus that greater certainty and uniformity are needed. The proposed sentencing provisions move in that direction without eliminating all discretion. The provisions relating to confinement of the mentally ill make it considerably more difficult than existing law to overconfine. These liberalizing provisions will affect thousands of people each year.

Considering the realities of our political institutions and of current public opinion about crime and justice, I believe that failure to enact these improvements would disserve the interest of civil liberties in the United States.

Alan M. Dershowitz, Professor of Law
Harvard Law School

New York City

My compliments to *The Nation* for publishing the excellent summary of the controversy on S.1437, which revises the Federal Criminal Code. You solicited letters amplifying the discussion and I rise eagerly in response, in view of my involvement in the fight against S.1, as well as S.1437, as vice chairperson of the National Committee Against Repressive Legislation.

When Mr. Lewis wrote his column on S.1437 which you reprinted, the Logan Act of 1798, an anachronism prohibiting citizens from influencing foreign policy by talking directly to foreign governments, had been repealed therein. During the Senate debate on the subject, it was restored by amendment, an item which was omitted from your survey.

S.1437 is vindictively punitive and it would further overburden our already overcrowded prisons by a third or more. Its mandatory sentences and elimination of parole overturn decades of liberal efforts to infuse some rehabilitation features into our penal system. Parole is awarded a criminal for good behavior in prison by significant time off, designed as a persuasive inducement to social reintegration.

S.1437 would multiply the federal police force because of its enlargement of the area of federal crimes. This endangers our civil liberties, especially prior to legislating curbs and supervision on the formerly unbridled power, lack of supervision, and unaccountability of the FBI and CIA. The expansion of federal police powers also challenges the balance envisioned under the Tenth Amendment, an integral provision of our Bill of Rights.

The trade union movement, already under strain, will be further hamstrung by S.1437. Although bona fide labor activity is exempt from the bill's sanctions in its anti-riot, blackmail and extortion provisions, what about non-bona-fide labor situations of strife, such as the miners' strike, revolts against corrupt labor leaders, and injunctions in unconventional circumstances?

The anti-riot clause could conceivably also penalize militant activists who demonstrate, for example, against nuclear reactors to preserve the environment against contamination, or those who cross state lines to organize for civil rights, civil liberties, consumer boycotts, and a host of other economic and urban problems that beset us. A new generation of political prisoners is conceivably in the offing.

The argument of Anthony Lewis, Louis Schwartz and Senator Kennedy favoring the compromises contained in S.1437 rests on the overriding desirability of eliminating present discriminatory disparities in sentencing. These political pragmatists overlook a laudable alternative to accomplish the same objective, H.R. 2311, which was introduced in the last Congress by Reps. Robert Kastenmeier, Don Edwards and Abner Mikva. I urge careful study of H.R. 2311 which reforms the Federal Criminal Code while preserving civil liberties and enhancing enforcement of civil rights measures.

Sylvia E. Crane

Columbus, Ohio

Although I was relieved to finally see something substantial in your pages about the Criminal Code Reform Act of 1978, I was slightly disappointed that you apparently didn't research the issue on your own or take a definitive stand. This bill, if it should pass, will set the tone for federal criminal law enforcement for the next fifty years, at least. If you favor real reform of the code, not simply reindexing, you should take a firm stand against the bill.

Even temporarily ignoring the substantive provisions of the bill, sharp scrutiny is demanded if only due to the manner in which Senator Kennedy railroaded the measure through the Senate. Lauding himself for reducing the 700-page S.1 to half its size in his opening remarks (sections of which you printed), Kennedy then quietly added an amendment of 300-plus pages during the closing minutes of Senate debate. Thus the bill is 682 pages, not 382 as you indicated.

It should also be noted that the reason Senate debate was so brief was: no one knew the bill was coming up for consideration—it did not become available until after the Senate recessed for the holidays. Without Senate or public knowledge, Senators Kennedy and Strom Thurmond met privately with Majority Leader Robert Byrd in the last week of December, and agreed to bring up the bill as the first order of business upon reconvening on January 19. Further, they agreed that no advance notice would be given so that, according to Senator Thurmond's office: "We could cut off a lot of outside interest group opposition . . . ; we didn't want to get caught in a public relations war."

But perhaps the most alarming thing about the bill itself is its potential for substantially expanding the federal jurisdictional base (read "FBI") in criminal law enforcement. In testifying to this effect before the House Subcommittee on Criminal Justice, Ohio State University Law Professor John Quigley stated:

> H.R. 6869 (S.1437) should not be enacted because it would vastly increase federal crime jurisdiction. That increase has not been admitted by the bill's backers, who claim that H.R. 6869 involves little increase over current law. The Senate Judiciary Committee Report on S.1437 covers up many of its expansion-oriented provisions, claiming incorrectly that they are no broader than present law. The report consistently miscites cases and ignores important court decisions to maintain the pretense to no substantial expansion.

We should not allow this thinly disguised rewrite of S.1 to become the law of the land. It represents a philosophical framework, more of a government seeking protection from its citizenry than one which seeks to strengthen its democratic base.

Mark B. Levy, Coordinator
ACLU of Central Ohio

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BOOKS & THE ARTS

From the Infected Zones

WHISTLE. *By James Jones. Delacorte. 457 pp. $10.95.*

LEONARD KRIEGEL

It has become fashionable to think of the late James Jones as a novelist whose awkward strengths were pulled from the only world in which he seems to have been at home, the army. Even intellectually, he has the tough self-consciousness of the thirty-year man he writes about. From his first appearance on the literary scene with *From Here to Eternity* in 1951 to his death a year ago at the age of 55, Jones presented himself, and was viewed by critics, as a writer in whom art and life had synthesized. He possessed a distinct, if limited, talent as a novelist, and asked that his readers accept the honesty of his observations. Most of his readers did just that. As a writer, he could be overwhelmingly bad, even embarrassing. But not even his harshest critics would suggest that he did not believe in the view of the world held by the thirty-year men he described.

Jones was a late arrival in the ranks of those Philip Rahv labeled the "redskins" of our literature. Unlike their "paleface" rivals, the redskin writers were so distinctly American, so much the product of this culture, that even their harshest criticism could be easily absorbed into the American way of looking at things. It proved to be a relationship in which neither writer nor nation had very much to lose. For Rahv, the redskin was "a self-made writer in the same way that Henry Ford was a self-made millionaire. On the one hand, he is a crass materialist, a greedy consumer of experience, and on the other a sentimentalist. . . ." Jones is the very model of the redskin writer. And the redskin's limitations are so apparent that to attempt to make of them specifically literary virtues is to do a disservice to what is genuinely appealing about the America the redskin explores, a country which worships the experiences it pretends to fear. Our major redskin writers—Twain, Dreiser, Hemingway, Steinbeck—draw their metaphors from biology rather than literature. Not that their prose is bad. Both Twain and Hemingway were remarkable stylists. But the situations one discovers in redskin novels are public and irremediable, even when they deal with the private individual. The redskin writer tends to see man as part of an inevitable process, ground down by fate or accident.

The limitations in James Jones's work are similar to those in Dreiser. Everything his critics have pointed to as weak is readily observable. He was unable to create concise scenes; he almost always portrayed reality as an affair of surfaces; he was nearly pre-Freudian, despite the awkward textbook psychologizing about life and sex that clots his work; his dialogue could be as wooden and repetitious as Dreiser's ("Okay, Doc, okay," says Sergeant Winch, one of the four crippled protagonists of *Whistle*, "What the hell? What the hell? So?"); his women never get beyond the sexual fantasies of an adolescent glued to the pornographic quiescence of his own musings (*all* of the women in *Whistle* collide with one's own adolescent memories of Deborah Kerr embracing both Burt Lancaster and the Hawaiian tides in the movie version of *From Here to Eternity*); and what passed for thought in his fiction invariably lacked complexity, yet it was presented as if Jones had struggled to arrive at insights which the reader considers hackneyed. Add to all of this problems of narration (the point-of-view and the narrative voice in *Whistle* shift for no apparent reason, at least none that I can see) and a deadly seriousness even in the face of the obviously comic and the case against Jones seems rather formidable.

And yet, one is still left with the problem of how to account for the genuine sense of anticipation that the publication of a James Jones novel inspires. With all that he could not do as a writer, Jones possessed a command of the novelistic situation that few contemporary writers possess. And he remains admirable for the persistence with which he forced a skeptical world to read him. Like his redskin ancestors, he insisted that we encounter life as the process that he had observed, and that we face, as honestly as he had faced, the absence of choice that is the most singular of the naturalistic legacies which he gave us. For Jones believed, and I believe with him, that he had addressed himself to the absurdity of modern life as honestly as any other American novelist of our time. It was this stubborn insistence on putting down what he saw which makes him a serious writer, one whose work deserves the attention he demanded.

Jones's true subject was not the army but American masculinity. The army provided the most obvious examples of that subject, but in his better novels and stories he caught the ways in which an entire generation of American men thrust themselves against the world. Jones understood the manner in which the individual man was isolated, a solitary voice speaking to the nation's demands. Despite a vaguely Populist emotional attitude, he himself seems to have been essentially apolitical. I suspect that if he had a philosophy, it was best expressed in a sentence from Emerson, that most individualistic of American writers, which he used as the epigraph to *From Here to Eternity*: "If the whole of history is in one man, it is all to be explained from individual experience." This is not true, but it is the kind of idea that can nourish a novelist. Jones never abandoned such individualism, not even in his best novel, *The Thin Red Line*, where the individual seems swallowed up in the collective movement of the army. But the movement is not really collective; it is, rather, the herding instinct of men who share only the terror of potential annihilation.

In the preface to *Whistle*, Jones speaks of the novel as the conclusion to a trilogy about war, along with *From Here to Eternity* and *The Thin Red Line*, which says "just about everything I have ever had to say, or will ever have to say, on the human condition of war and what it means to us, as against what we claim it means to us." But in *Whistle*, the army is actually far more peripheral to the action than it is in either of the other two novels. *From Here to Eternity* is an "army novel"; *The Thin Red Line* is a war novel (as a novel about warfare, its only American rivals are *The Red Badge of Courage* and *A Farewell to Arms*); but *Whistle* is a novel in which the army and the war exist merely as the setting in which men see themselves. The novel is about the consequences of manhood

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in America and the army hospital in which most of the action takes place simply indicates that Jones was unwilling to let go of the surfaces that knowledge of army life gave him. The hospital is like a battlefield in what it provides the novelist—a self-contained male world.

Jones moves his four protagonists across the reader's line of vision as if they were pieces on a chessboard. We know that they are doomed from the start, and it is a further tribute to Jones's honesty, along with his refusal to manipulate his readers, that he does not really want us to feel sympathy for any of these men. The lives of Winch, Landers, Prell and Strange (their given names never quite register) are examined as process. Men live, fight, love, drink and die. To these essentials their dreams are anchored. Taken together, the four men have the stamp of a collective authenticity, for they embody not individuals but conditions of existence—an ironic comment to make about an Emersonian writer.

Like Hemingway and Crane, Jones codified existence. The characters in *Whistle* have survived combat through wounds which are both physical and psychological. They struggle to hold on to their integrity as men. It is an integrity which can be defined by the individual alone, but they are forced to define themselves as a group, those who have been crippled in combat, because it is the only definition which separates them from the rest of the American world.

> We came from the infected zones, had been exposed to the disease, and carried the disease in us to prove it. Carrying it was our pride.

For the cripple, there is nothing beyond the reality of that condition which separates him from other men. To defy it becomes his pride in self. And he inverts the wound, so that he has *earned* the right to feel different from those who have not been wounded.

Whistle, which Jones did not live to finish (the concluding three and a half chapters were put together by his friend, Willie Morris, from notes left by Jones), is a novel which contains all of his characteristic weaknesses. At times, it is rhetorical, overblown, and sententious. It is filled with self-conscious profundities: "When we lose one of us, we all of us lose a little of our capital"; "Sex is all scrambled up in with our religion." One could go through the novel at random and find any number of equally platitudinous lines. And yet, as often happens in a novel by James Jones, one does go through, willing to forgive even such prose for the sake of an honest novelistic vision. For there is so much else that James Jones gave us. Few other novelists were as capable of facing up to the exigencies of the situations they created. And few other novelists were as capable of taking American men on their own terms. Jones understood those aspects of life in America which forced men to redefine themselves constantly, to measure up or be damned. Like Hemingway, he was fascinated by the ability to endure pain; in *Whistle*, he invokes it almost as a religious value.

> It was as though the pain alone by itself had made him drunk. As though the pain, by slowly but effectively sealing him off from other awareness, had turned him inward in a total, uninterrupted concentration, as if he had passed through the outer yellow flame of a candle into its center, which was not hot but purple and cool. And in there with him in that cool center was an awareness of another presence. Somebody or something was in there with him. It, or she, or he (it was not a personality) did not do anything. It was not an added strength. It was not an aid. Nor was it a detriment. It was just there.

This passage embodies the kind of recognition that set Jones's fiction off from that of his more knowledgeable contemporaries. After the personal stress of combat and the quest for ultimate orgasm, men are still caught up by the need to be good enough. They perform against the gauges in their own minds. And the prices they are called upon to pay for having waged that struggle are enormous. Three of the four wounded protagonists in *Whistle* commit suicide; the fourth goes mad. Death is the sole alternative to pain. Beyond the endurance of the individual —as shrunken a view of Emerson as one can find—there is nothing with which to confront the imperatives of the world. And even endurance is limited.

In this last of his novels, James Jones painted himself into a corner. But that seems characteristic of the man. Unlike many of his contemporaries, he lacked the capacity for literary irony and, fortunately for us, he never gave in to the temptations of rhetoric for very long. And he deserves respect for that, even as we question the man-haunted emptiness of his last fictional stopping-off place, the Kilrainey Army Hospital in Luxor, Tenn. It is not a question of empathizing with Jones's crippled men; it is simply that he has forced us to recognize how essential to the American landscape they continue to be—as, I hope, Jones himself will continue to be. □

James Jones, Another Side

MICHAEL MEWSHAW

When James Jones died last May, almost every newspaper and magazine in the country carried a fulsome obituary or eulogy written by a friend, a passing acquaintance, even an enemy. Given the general bitchiness of the literary community, this would have been heartwarming if it hadn't been bizarre and infuriating. For twenty-five years few serious writers in America got such bad press as Jones—not simply sniping acrimonious reviews but cheap-shot put-downs in articles, interviews and reviews of other writers. Some of it was perhaps jealously of the critical and commercial success of *From Here to Eternity*. Much of the rest seemed to have been resentment of what was supposed to have been Jones's crudity, his indifference to most elements of style, personal as well as literary. *Esquire*, for instance, once named him one of the worst dressed men in America because, interestingly enough, he wore Levi's, Indian moccasins and jewelry.

In the last nine years, I spent a total of two or three weeks with Jones. During that time, we exchanged maybe a dozen letters and a few more phone calls. So I can't claim to have known him well. And yet in the obituaries, eulogies, and reminiscences there is a crucial omission which no one else appears to have noticed. To quote *New York* magazine (June 6, 1977), "After sixteen years in Paris, James Jones returned to America in 1975 with his wife, Gloria; his daughter, Kaylie; and his son, Jamie. They sold their splendid, rambling Paris apartment on Ile St. Louis and bought a big, old farmhouse on Sagg Main Street in Sagaponack, Long Island."

In fact Jones returned to America in 1974, not 1975, and it wasn't to move in with the literati on Long Island but rather to take a job teaching creative writing at Florida International University in Miami. One can understand why people would want to eliminate that

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year from Jones's life. It jars; it doesn't fit his image; it doesn't seem to make sense. Why would a writer whose trademark had always been toughness and independence, a writer supposedly contemptuous of critics and impatient with intellectuals, a writer reputed to have been rich—why would such a man teach? And why at Florida International University? Barely three years old and built on the heat-warped runway of the old Tamiami Airport, it's a school for commuters, workies, blacks and Hispanics. Surely a novelist with so many friends and connections could have found a sinecure anywhere, couldn't he?

All of these questions occurred to me when in the winter of 1973 Jones wrote an express letter and asked me to find him a job. There was no opening at the University of Texas where I taught, but I had a friend, Harry Antrim, chairman of English at Florida International University, and he was interested, if a little bewildered, by the idea of having Jones on the faculty. Not surprisingly, he temporized.

Jones, however, held nothing back. He urged me to press on and arrange a position for him. Since he hadn't been to college, he had no idea what to expect or what he could demand, and so he insisted that I negotiate every facet of his contract from salary to teaching schedule.

Meanwhile, Florida International University, having never hired anyone like Jones, had no idea what to expect or to offer. Very discreetly, Harry Antrim posed some of the same questions that had passed through my mind and he asked me to put them to Jones.

With characteristic bluntness Jones told me he was returning to America because he needed money. He had made a lot, but had also spent a lot. The "splendid rambling Paris apartment" was, he explained, his only capital asset; he was trying to sell it, but couldn't find a buyer. Now he was over 50, in ill health, and anxious to provide security for his family. Living in America, he thought, would allow him to supplement his writing income by teaching, lecturing, giving readings, doing the writer's conference circuit. Did I have any suggestions? He was available any time. Whom should he contact? What should he charge? Could I arrange a tour for him in Texas?

Just 30 at the time and with two virtually unknown novels to my name, I was forced to admit I wasn't in the best position to help him, and this led me to inquire obliquely why he had turned to me in the first place. Weren't there other people—friends, acquaintances, agents, literary connections—who could have gotten him a better job at a better school and set him up with a schedule of personal appearances?

The question, of course, was potentially embarrassing, but Jones didn't duck it. Nor did he spare me. He admitted I wasn't the first or only person he had asked for help. He had let a lot of people—good friends of long standing—know what he needed. Most hadn't bothered to reply. Others claimed they couldn't do anything for him. He was on his own, and the clearest proof of this was that I was his only contact, FIU his lone job prospect. Although he sounded a bit puzzled and hurt, he showed no anger or self-pity and said he thought he could do a better job at FIU than at "some fancy New England school."

So perhaps there are good reasons indeed why some people would like to eliminate that year from James Jones's life. It introduces a troubling subtext to the eulogies and orations intoned at his funeral. This seems worth knowing, just as it is worth reporting that Jones apparently did a damn good job of teaching until he sold his house in Paris and at the end of the academic year moved to Long Island.

Although I'm tempted to join the crowd and end by re-creating one of the afternoons I spent with Jones walking the streets of Paris or eating in Vietnamese restaurants or sitting in cafés, I'll limit myself to a single moment which seemed to reveal a side of the man which is too seldom mentioned by those who remember him mostly as a drinking buddy, a teller of war stories, a barroom brawler, or a classic American naif. One warm fall day we wound up in Les Arènes de Lutèce, an ancient Roman amphitheatre, a miniature colosseum on the Left Bank where old men play *boules* where gladiators once fought. A little girl with a pet guinea pig sat near us, trying to get the animal to lie still in her lap. When it came bounding over to Jones the girl got up, grabbed the guinea pig and gave it a couple of hard whacks on the head. Immediately, Jones was on his feet. "*Mais non*," he pleaded. "*Ne fais pas ça. Sois gentille.*" Don't do that. Be nice.

It is the final phrase that stays in my mind when I think of James Jones—the plea he never would have made for himself, the kindness he extended to everyone, even to those who went out of their way to hurt and insult him. *Sois gentille.* He was. □

The Ambivalent Victorian

MENCKEN: A Study of His Thought. *By Charles Fecher. Alfred A. Knopf. $15.*

JACKSON LEARS

One gray fall day in the early 1950s, James T. Farrell stopped off in Baltimore, took a cab to H.L. Mencken's house in Hollins Street, and spent a depressing afternoon with the critic who had befriended him years before. Though Mencken seemed physically healthy, he had suffered a cerebral hemorrhage in 1948, and its effects were painfully apparent. His talk wandered; he could neither read nor write. While he maintained a stoical good humor, Farrell recalled a persistent refrain in their conversation. "I'm finished," Mencken repeatedly told the novelist. "I'm out of it." Mencken's predicament was a poignant coda to a vigorous career. The impresario of words, for whom language had been life, was surrounded by letters he could not answer and books he could not understand.

There was a sense, though, in which Mencken had been "out of it" for many years before his stroke. During the earnestly nationalistic 1930s and 1940s, Mencken's levity seemed an echo of the frivolous Jazz Age. Even during the years of his greatest influence, his ideas betrayed a curiously anachronistic quality. Remaining out of sympathy with the fashionable avant-garde, Mencken assaulted prohibitionists, Rotarians, and genteel custodians of culture with the antiquated weapons of positivism and classical liberalism. He clung to the same late Victorian brand of iconoclasm of fifty years, while American culture passed him by.

In *Mencken: A Study of His Thought*, Charles Fecher uses the static quality of Mencken's ideas to justify a schematic, ahistorical approach. Earlier treatments of Mencken, Fecher complains, failed to analyze his thought on its own terms: "for them the man was more important than his work." By separating Mencken's intellect from his biography, Fecher aims to discover whether his ideas "had the virtue of truth" and to judge "whether that truth

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was for a day or all time. . . ." But Fecher's book contains few judgments and little analysis. It is an uncritical summary of Mencken's ideas, repetitive and inert.

Part of the difficulty stems from the author's worshipful attitude toward his subject. In various contexts Fecher compares Mencken to Goethe and Wagner, Darwin and Newton. He believes that Mencken's criticism "literally changed the whole course of literature in the United States." He describes Mencken's *The American Language* as "the most sheerly readable work of scholarship in all history." Above all, Fecher reveres Mencken for having led Americans from "Puritanism" and political mediocrity to a Promised Land of "common sense." "If there is a larger supply of it today," Fecher writes, "if life is saner and more intelligent and a bit pleasanter to live, he deserves much of the credit for that fact." If Mencken were alive in the America of the 1970s, one can only imagine his astonishment at Fecher's assertions.

Fecher's extravagant claims stem from his failure to provide any but the most simplified historical context for Mencken's ideas. His view of recent cultural history as a war between "Puritans" and libertarians, with Mencken at the head of the liberating armies is really unfair to Mencken who was both more interesting and more significant than his iconoclastic pose suggested. Unfortunately for Fecher's book, the man *was* more important than his work. Mencken's ideas were banal (even Fecher finally admits they were "seldom original and never profound") but they constituted only a small part of his complex character. The *enfant terrible* of American letters was punctilious, prudish, charitable to strangers and generous to friends. The advocate of scientific progress acknowledged the absurdity of human endeavor in a determined universe; the positivist disdainer of metaphysics admitted that liberty was a "metaphysical necessity." Mencken, in short, was a bundle of contradictions, an ambivalent Victorian in the modern world.

From his father, a freethinking second-generation German, Mencken inherited the mental furniture of the "enlightened" bourgeoisie. A belief in progress through empirical science; a literalist disdain for fantasy, myth, and metaphysics; a fear of anarchists, Socialists, and labor unions—August Mencken's prejudices shaped his son's outlook from an early age. As Fecher observes, even as a child Mencken was "repelled by the improbable fantasy" of Grimm's fairy tales. His discovery of Charles Darwin, Herbert Spencer, and Thomas Henry Huxley reinforced his distaste for religion and his reverence for "fact."

By the late 19th century, such attitudes were anything but rebellious. During Mencken's boyhood, Calvinism was dead, except in rural backwaters, and the official creed was not "Puritanism" but a liberalized, nondenominational Christianity allied with Mencken's own positivism and possessing neither theological rigor nor emotional force. But there were fissures in the liberal-positivist consensus. The 1890s were hardly years of "complacent mediocrity," as Fecher suggests; they were marked by social, moral, and intellectual ferment. Nationwide labor unrest threatened the bourgeois social order. A rediscovery of the nonlogical and unreasonable elements in the psyche undercut the intellectual order. From Nietzsche to Bergson, from William James to Freud, serious thinkers showed an unprecedented fascination with primal irrationality. And lesser men popularized that fascination on both sides of the Atlantic.

Mencken remained immune to the ferment surrounding him. He clung to the ponderous schemes of evolutionary progress mapped out by Huxley and Spencer. He dismissed James and Bergson, railed against "the Freudian rumble-bumble," and transformed Nietzsche from a Dionysian mystic into a Spencerian progressive in *The Philosophy of Friedrich Nietzsche* (1908). Fecher stresses the two men's shared elitism and overlooks the profound philosophical gulf between them. Mencken's *Treatise on the Gods* (1930) was a restatement of 19th-century notions that "religion represented an early and immature stage in man's development" and that "its steady decline since the Renaissance was a mark of genuine progress"; Nietzsche's life work was an effort to discredit positivism and restore an ecstatic dimension to religious life.

Mencken's literary tastes were as limited as his philosophy. He had a tin ear for poetry which seemed to him "very deficient as an agent of progress." His celebrated attacks on the genteel tradition revealed an inflexible literalism. Impatient with psychological subtleties, he dismissed the "flabby, kittenish realism of Howells" and declared Henry James to be "of less interest than Richard Harding Davis." He admired Dreiser as "a really implacable reporter of facts"; he also praised Sherwood Anderson, Sinclair Lewis, Joseph Conrad—novelists he could fit within his naturalistic frame of reference. But he rejected most 20th-century writers in baffled irritation. He admitted that "the Thomas Mann stuff simply eludes me"; he believed that Hemingway wrote novels simply to prove he was a "naughty fellow" and that there was no more sense in Faulkner than in "the wop boob, Dante." Fecher's prophet of modernity remained anesthetized to much of serious modern literature.

Mencken's political thinking was less

LETTER, ON WHISTLING IN THIS WEATHER

Whistling seems to help.
I hope by your return to be a virtuoso,
larking and trilling, chirping
like an aviary ruffled into wild song
in the presence of an intruder,
announcing fear in tones that to you
mean something else.

Dear L.,
I walked

out to the mailbox near
noon; the air was still as cold as dawn's. Bundled
against the wind's bite, I
lost myself tracking what I thought were snowflakes
down a narrow street that was mostly sky.

Left to my own devices,
or finding I have none, I find
going on, going out, as hard
as going in to the still house I left, greeting
no one with the cracked song on my lips.

Debora Greger

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resolutely philistine. His classical liberalism never wavered; he remained devoted to free speech during periods when more "pragmatic" liberals abandoned it. He defended novelists against censors, publishers against smut hounds, Socialists and anarchists (whose views he abhorred) against superpatriots. Though his own thinking was tainted by Germanophile ethnocentrism, he publicly denounced lynching in a town where race baiting was a way of life. And he correctly perceived national prohibition as the emblem of the mean-spirited moralism pervading small-town America.

But Mencken displayed a mean-spiritedness of his own. It was the narrow smugness of the urban bourgeois, addicted to his creature comforts and convinced that he has earned them through his superior ability. Apart from his concern for civil liberties, Mencken's "Jeffersonianism" could be heard in any barbership full of Right-Thinking Citizens. His father had divided all mankind into "those who paid their bills and those who didn't," and Mencken shared the old man's tightfisted morality. The New Deal, Mencken charged, was a "political racket" based on the proposition that "whatever A earns really belongs to B. A is any honest or industrious man or woman; B is any drone or jackass." Mencken's obsession with the tyranny of the "inferior man" blinded him to mass suffering. "Even in a great depression few if any starve," he wrote. He was as much a defender of Victorian complacency as a rebel against it.

Yet there was more than complacency in H.L. Mencken. His talents were various; in many ways they resembled Mark Twain's. Both men were artists of language rather than of ideas; both reached wide middle-class audiences through outrageous humor and vigorous colloquial style. (Mencken said that Warren Harding's prose reminded him "of stale bean-soup, of college yells, of dogs barking idiotically through endless nights." It was a characteristic simile.) Without that style, neither man's reputation would have survived a generation. Both men sustained ambivalent relations with majority culture: they mocked it, exploited it, made literary capital out of it, but they never dismissed it. To do so would have been to reject their own birthright as American provincials. Restive and rebellious yet committed to most values of the respectable bourgeoisie, they sought to be more than National Funny Men. They used humor for serious purposes.

This seriousness of purpose, joined to his incandescent style, animated Mencken's writing at its best. Like Tocqueville and other elitist critics of democratic culture, he lamented the homogenizing effect of popular opinion on public discourse, and he sought to promote a genuine "battle of ideas" for its own sake. He kept alive a tradition of personal journalism during decades when newspapers and magazines were passing increasingly under corporate control. His voice rose above the rumble of "responsible opinion," and for a time, his disdain for official pieties leavened the intellectual life of the nation.

Despite his concern for a vital public culture, Mencken never considered its relationship to social and economic circumstances. Ignoring the steady concentration of power in bureaucratic and economic elites, he traced the shortcomings in American culture not to capitalism but to democracy. Slipping into self-indulgence and superficiality, Mencken remained preoccupied with surfaces. He arraigned fundamentalists because they were ridiculous and businessmen because they were boring. In one sense his legitimate heir is that contemporary merchant of *chic*, Tom Wolfe.

But Mencken's cultural criticism could lead in profounder directions as well. When he described "the inferior man," he underscored the totalitarian potential of all modern mega-states, whether Fascist, Socialist, or welfare capitalist.

> What he wants beyond everything else is safety. His instincts incline him toward a society so organized that it will protect him at all hazards, and not only against perils to his hide but also against assaults upon his mind—against the need to grapple with unaccustomed problems, to weigh ideas, to think things out for himself, to scrutinize the platitudes upon which his everyday thinking is based.

To be sure, Mencken's own philosophical position frequently led him to take refuge in platitudes like "facts are facts." Yet as he grew older he more often followed his materialist premises to their logical conclusion: a rejection of anthropomorphic notions of progress and an acceptance of a potentially meaningless universe. Abjuring both religion and secular humanism, he declared his willingness "to stand up single-handed against the eternal and intolerable mysteries." His stroke was one of the "harsh and meaningless fiats of destiny" he found in Conrad's stories, a destiny undreamt of by positivist optimism. It is possible to imagine that the old man on Hollins Street was not merely an anachronism, that he was "out of it" in a more honorable sense, providing a kind of stoical witness against the self-congratulatory certainties of America's national creed. □

No Clear and Present Danger

COLD WAR POLITICAL JUSTICE: The Smith Act, The Communist Party, and American Civil Liberties. *By Michal R. Belknap. Greenwood Press. 322 pp. $16.95.*

THOMAS I. EMERSON

In 1940, in an effort to contain what was perceived as the menace of communism within the United States, Congress passed the Smith Act. That statute made it a criminal offense, subject to ten years in prison, for any person to advocate or teach "the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence," or to organize any group to do so, or to conspire to commit any such acts. Modeled on the New York Criminal Anarchy Act of 1902, enacted after the assassination of President McKinley, the Smith Act was already obsolete. The Communist Party had long since abandoned the rhetoric of force and violence and, since 1935, had adopted united-front strategies.

In 1948, as the Presidential campaign was warming up, the government invoked the Smith Act to indict the twelve leaders of the Communist Party who comprised its national board. After a sensational trial of nine months the defendants were convicted, and in 1951 the Supreme Court upheld the constitutionality of the Smith Act and sustained the convictions. Thereafter the government brought a series of cases against lesser members of the party, involving 126 defendants, virtually all of whom were found guilty. By 1957, however, the Supreme Court had second thoughts. Without overriding its earlier decision the Court held that, in order to establish a violation of the Act, the government must prove not only "advocacy of ideas" but "advocacy of action." The prosecution could not meet this standard of proof, and in short order

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the pending cases were dismissed by the courts or abandoned by the prosecution.

One could hardly ask for a better subject for an exercise in the art of history. The problems raised by the Smith Act prosecutions go to the heart of the democratic process. How does a democratic society deal with a radical political movement? More particularly, how should incipient violence, which is always associated with fundamental social change, be controlled without closing society to all change? What role should our legal system—doctrines of law and courts of law—play in this process? What are the dynamics of attempting to suppress ideas and political movements? Those and many similar questions about the Smith Act prosecutions can now be viewed from the perspective of a quarter-century,—long enough to obtain some objectivity, short enough to check conclusions with many of the participants who are still on the scene.

Unfortunately Michal Belknap's *Cold War Political Justice* does not really live up to the potential of his subject. The book is a rather flat, pedestrian account that does not rise much above the level of a moderately good Ph.D. thesis. And surprisingly enough, although the author has examined the files of a number of persons who had some connection with the Smith Act prosecutions—including Presidents Truman and Eisenhower, Justices Black, Burton and Frankfurter, and Attorney General Rogers—he has turned up very little that is new and nothing that is startling.

The book is, however, a valuable compendium of information and references on the Smith Act cases. Moreover, it is interesting for revealing how these events look to a person who takes a middle-of-the-road point of view and who did not live through them but reads about them now as history. In brief, Belknap's account fully confirms the libertarian position taken by critics of the Smith Act prosecutions, sometimes too hesitatingly, at the time. At least until the mid-1950s, when cold-war attitudes began to relax, the performance of the government, the legal system, the press, and the public at large was as dismal as our history has thus far produced.

Thus, as Belknap makes clear, the purpose of the Smith Act prosecutions was not protection of the country against violence but political gain. In February 1948 Atty. Gen. Tom Clark testified before the House Committee on Un-American Activities that prosecution of the Communist Party under the Smith Act was "impractical." In July, faced with Republican charges of twenty years of treason on the Right, and the Henry Wallace Progressive Party on the Left, the Truman administration rushed through the first indictment.

The trial at Foley Square was a national disgrace. The "guts" of the government's case, Belknap writes, consisted of reading the classic works of Marx, Engels, Lenin and Stalin. "As for proof that Communist theory was about to translate itself into revolutionary action," he concludes, "the U.S. Attorney would not offer any—because he had none." The prosecution spent much of its time on cross-examination asking defense witnesses to name other members of the Communist Party not involved in the trial, thereby forcing refusals and contempt citations. Judge Medina, who presided, was arrogant and provocative, and in effect "aligned himself with the prosecution." The lawyers for the defense were obstreperous but their conduct did not threaten the integrity of the judicial system.

Although Belknap's account brings forth little that is new about the trial, occasionally interesting bits of information crop out from his researches. One is that Judge Medina sent a copy of his 15,000-word charge to the jury to Sen. Joseph McCarthy.

As the subsequent cases came to trial, largely replicas of the first, there arose a serious problem of obtaining legal representation for the defendants. For a long time the legal profession, shamefully, did not respond. Thus the Baltimore group "interviewed over thirty lawyers, all of whom expressed unwillingness to appear on behalf of politically unpopular defendants." And Steve Nelson of Pittsburgh talked to over 100 lawyers without finding one willing to take his case. In the end legal representation was provided only after individual attorneys were buttressed by support of a local bar association or protected through appointment by the court.

Nor did the appellate courts comport themselves well. Judge Learned Hand, one of the most liberal and probably the ablest of the circuit court judges, realized that the verdict in the lower court could not stand under the prevailing clear and present danger test, and promptly abandoned that doctrine. In its place he substituted a new formula, —"whether the gravity of the 'evil,' discounted by its improbability, justifies such invasion of free speech as is necessary to avoid the danger." In other words, if the "evil" feared is serious enough—and of course overthrow of the government is the ultimate in "evils" —any speech can be suppressed unless it is totally innocuous.

The prevailing opinion of the Supreme Court followed the Hand approach; only Justices Black and Douglas dissented. It is to be noted that, after the decision in the Smith Act case, the Hand doctrine disappears and is never utilized again in a Supreme Court decision.

Subsequently, due to changing times and a change in membership, the Supreme Court shifted its position. It did so by indirection. Belknap admires the skill of Justice Harlan in putting a stop to the Smith Act prosecutions without invalidating the Smith Act itself. If the Supreme Court opinions are closely read, however, they appear to leave several loopholes which could be used in the future to achieve much the same result as the government sought in its campaign against the Communist Party. The failure of the Supreme Court to take an unequivocal position may yet come back to haunt us.

One other institution in our society played an important part in the Smith Act prosecutions,—the Federal Bureau of Investigation. Belknap discusses the FBI's role in some detail and is especially effective in pointing out the devastating impact upon political association of the FBI's system of informers. It is disappointing, however, that no new material on the FBI has been unearthed. The author explains that the FBI files are "indexed in such a way as to make it impossible to identify readily those items relevant to a study of the Smith Act cases." Yet there must be vast quantities of information still preserved, much of it retrievable under the Freedom of Information Act, and it is to be hoped that at some time this data will be made available.

What was the impact of the Smith Act prosecutions? Belknap believes that they were largely responsible for the collapse of the Communist Party in the 1950s. He thinks that this was due, not so much to intimidation caused by the arrests and convictions, as by the purges and other security tactics adopted by the party in order to protect itself against government infiltration. However that may be, there were other results which Belknap barely alludes to, namely the effect upon the American people generally. Although that impact is difficult to measure, undoubtedly the Smith Act prosecutions helped seriously cripple our system of free expression during the decades after World War II. Not only broad acquiescence in cold-war actions and in Vietnam but many of

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our current problems, including our inability to seek other alternatives, may well be traced to these events.

One gets the impression, as one reads about the Smith Act prosecutions in *Cold War Political Justice* that such things cannot happen again. This is surely a sign of progress. We may well have learned that particular lesson. But there are many ways of closing up a society and Smith Act prosecutions are only one of them. □

Aeneas in Tennessee

COLLECTED POEMS 1919-1976. *By Allen Tate. Farrar, Straus and Giroux. 218 pp. $12.50.*

J.D. McCLATCHY

The majority of Allen Tate's best poems were published during the fifteen years before 1937—when he first began issuing the selections and collections of his poetry that have occupied much of his time and many editions since then. The present volume is by far the most handsome and complete. Tate has rearranged the contents of his previous standard edition, *The Swimmers and Other Selected Poems* (1970), and added some thirty poems, mostly early and unsteady efforts but also including four new valedictory poems to his wife and sons. No more of the long autobiographical sequence that occupied him in the 1950s —of which "The Swimmers," "The Maimed Man" and "The Buried Lake," three of his strongest poems, were installments—is included, so that one presumes he has abandoned the project, and means for us to appreciate what remains of and remains valuable in a poetic career that has spanned nearly sixty years.

It must be admitted at the start that Tate's poetry is generally held in far more esteem than its actual achievement warrants. There seem to be two reasons for this uncomfortable situation. First, there are his handful of superior poems. Besides the three already cited, I would single out "Mr. Pope," "The Paradigm," "The Mediterranean" and the "Ode to the Confederate Dead" as his most characteristic and distinctive successes. But their very authority—what the poet himself would recognize as their union of subject and vision—only serves to cast the rest of his work into a lower relief, and so underscores how infrequently Tate has written with the full power his few masterpieces in fact command. And second, his poetry has always had an ancillary function, been in service to higher and more urgent concerns—concerns which his essays have engaged with more originality, force and humanity than his poems. From the very start of his career as a man of letters, he has argued with a bitter eloquence against positivism and secularism, a two-headed golden calf. Again and again he has singled them out as the modern world's perversions of the sources of value. In place of knowledge and transcendence—man's ability to know the world, and to rise above both that world and his own knowledge—our culture has been sold a bureaucratic, scientistic bill of goods. In his role as conscience of the imagination, Tate has seemed rather reactionary to the dimwitted, but his defense of poetry as "an undemonstrable form of knowledge"—despite its hierarchical, almost religious overtones—remains a barricade against the dark, literal forces of unreason and excess that encroach on the spirit.

Tate's sensibility, then, is an embattled and wholly admirable one, and one I would characterize as essentially moral. In his best poems—those situated in a world fallen from grace into history—he is also a moralist, with all of a moralist's severity and poise. But this has not been the way he has seen himself as a poet, and it accounts, I think, for both his poetry's contradictory energies and his career's imbalance. Tate has always, and reverently, cited that shock heard round the world—T.S. Eliot's "Prufrock"—as the event that jolted him into writing poetry, *real* poetry, in the first place. He heard it as the culmination of the symbolist innovations launched by Baudelaire and as the call to an authentic modernist tradition. Lured by Eliot's tone and subject into thinking of him as a symbolist, Tate tried to become one himself. The master's robes never quite fitted him. Eliot believed in history only to use it; his poems are neither

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William Julius Wilson

the declining significance of race

Blacks and Changing American Institutions

A clear-sighted analysis of changing patterns of discrimination which contends that, for the first time, class has become more important than race in determining black access to privilege and power. Wilson examines the complex economic and political changes that have created this growing division among blacks and new hardship for the underclass. ***"Wilson's analysis of the problem of the black lower class is one of the best I've seen. It is a good and valuable work in defining just where the problem is—and where it isn't."***
—Nathan Glazer.

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accounts nor meditations, but psychodynamic emblems of those analogous conditions, neurosis and mysticism. And by that initial miscalculation, Tate may have betrayed his poetic potential by too often working in a mode that was not natural to his sensibility or talents.

Other poets heard Eliot's call, responded to its injunctions, but reacted in more individual ways. Consider two examples, both Tate's contemporaries: W.H. Auden and Robert Penn Warren. In his "Letter to Lord Byron," Auden recalls his university days and that moment when "Eliot spoke the still unspoken word." His self-conscious pun on "word" indicates that he never confused (as Tate did) style with *logos*, and he went on to vivid verse experiments, each one drawing into his work the world around it—its events and theories, mysteries and catastrophes and domestic details. Where Auden's poetry continued to accommodate experience, Tate's tended to reduce it to its formal proprieties.

And then there is Warren. In an early (1924) poem addressed to his close friend, appropriately titled "To a Romantic," Tate warns Warren that:

because your clamorous blood
Beats an impermanent rest
You think the dead arise
Westward and fabulous:
The dead are those whose lies
Were doors to a narrow house.

During his prodigious career, Warren lived a long apprenticeship in that narrow, neoclassical house, but in his poetry of the last decade has broken free into those "Westward and fabulous" realms of the dead Orpheus resurrected as a beat in his blood. Instead of resisting his Romantic impulses, he yielded to them, and came to triumph. Tate, I think, continued to repress them. The very tension in his style—what Robert Lowell once termed "the formal resonance of desperation"—is evidence of a struggle acted out far below the surfaces of his poems.

His style has always been the most demanding aspect of Tate's poetry. And the most influential—one need only recall Lowell's redactions of it in his early work, to say nothing of the lesser poets who had meant to copy Hart Crane and were actually imitating Tate. It was always a highly mannered style, and as time has passed seems no less so; unlike the best styles, one that *remains* mannered tends to sound dated, even precious. Wallace Stevens once described Tate's work as "poetry written under glass." The glass of fashion, I presume he meant. And the fashion when Tate was modern was Jacobean; and so his style remained—syntactically theatrical, rhythmically eccentric, at once ponderous and violent, excitingly but often willfully obscure. Auden once wrote to (of all people!) T.S. Eliot, "Obscurity is mostly swank." While there is a measure of mere swank in Tate's obliquity, the strain a reader senses when he encounters the poems is that genuine tension between language and expression—the moralist's high-pitched anxiety about the integrity of his conclusions, whether personal or stylistic. Or, as one of his "Sonnets of the Blood" has it:

Invader foraging the sacred wood:
Yet the prime secret whose simplicity
Your towering engine hammers to reduce,
Though driven, holds that bulwark of the sea
Which breached will turn unspeaking fury loose
To drown out him who swears to rectify
Infinity, that has nor ear nor eye.

It is, finally, the style of the exile, haunted by a lost tradition and estranged from the language of the tribe. The figure to invoke for comparison is also an exile; not Tate's avowed master Dante but the character whose voice he has several times assumed: Aeneas. A Southerner, a Catholic, an intellectual among scholars, a classicist among howlers, a formalist among ranters—Tate had a natural sympathy for Vergil's hero:

I see all things apart, the towers that men
Contrive I too contrived long, long ago.
Now I demand little. The singular passion
Abides its object and consumes desire
In the circling shadow of its appetite. . . .

Struck in the wet mire
Four thousand leagues from the ninth buried city
I thought of Troy, what we had built her for.

In earlier editions, the line always read "Stuck in the wet mire." Tate may have changed the word, but I suspect that "Struck" is just a misprint. But what a revealing one! For the difference between the two words—and all the echoes in "Struck" of awareness, illumination, determination—defines neatly Tate's intentions. Like Aeneas he has been motivated by intellectual clarity and moral purpose; placed in circumstance rather than creating it; the agent, not the embodiment, of divine power; abandoning the ruins—his son in hand, his father and gods on his shoulders—for a promised land he has helped to found but cannot inhabit. But he leaves his testimony and his example. This new *Collected Poems* is both. If it is an occasion that before has prompted our attention, it is also one that allows us to renew our gratitude. *Sentinel of the grave who counts us all!* □

DANCE

NANCY GOLDNER

The first formally arranged festival of dance films that New York has ever seen is being held at the Beacon Theatre through April 16. Of the five programs, the most irresistible is surely the one that rescues from dormancy two Balanchine ballets: *Pulcinella*, a problematic spectacle, and *Liebeslieder Walzer*, a masterpiece about imagined love that had better return to real-life fantasy some day! (One declares this with a pleading "or else.") The most interesting program, *La Sylphide* does what one hopes the Balanchine program will not have to do: it resurrects a "lost" ballet, which, if not a masterpiece, is certainly the prototype of the 19th-century Romantic ballet just as *Liebeslieder Walzer* is the prototypal romance of our time. *La Sylphide*, first seen in Paris in 1832, is the ballet that got librettists and choreographers interested in immortal life and white tulle, that made Marie Taglioni a symbol of sylphdom, and that codified dainty, ethereal subject matter into steps. (Those who watch the film festival's presentation of *Giselle* [1841], starring Alicia Alonso, will notice that it contains many of *La Sylphide*'s combinations and gestures.) One of the people to become hooked on it all was Auguste Bournonville, who returned home to Denmark and in 1836 refashioned *La Sylphide* for himself and his lover, Lucile Grahn. It's the Bournonville version we always see today. The film at the Beacon shows Bournonville's source, choreographed by Filippe Taglioni for his daughter, Marie. The original score, by Jean-Madeleine Schnitzhoeffer, and Taglioni's choreographic notation were unearthed and filmed by Pierre Lacotte. The sylph is performed by his wife, Ghislaine Thesmar. The protagonist, James, who must choose between marriage and amour, is danced by Michael Denard, who in the week previous to this filmed performance could be seen live at the Beacon in Béjart's *Firebird*, having to choose with gallumphing literalness between Stravinsky and Mao. If the choices one must

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make in life have not become simpler, they certainly have become more extraneous to reality.

The Lacotte-Taglioni version of *La Sylphide* is a marvel, and one reason is because Taglioni managed to work out James's very real problem in utterly allegorial terms. This *La Sylphide* is quite simply a suite of dances, a *divertissement* whose dance climaxes bubble to the surface about every three minutes, and whose dramatic climax comes to a boil when James, the sylph and Effie, his bride-to-be, are closeted in a *pas de trois*. As far as the ballet's theme goes, these moments clarify everything, enabling the rest of the ballet to circle around it as variations circle around a theme. More events happen after the *pas de trois*—James ends up killing the sylph with a scarf intended to kill merely her wings—but the ballet's structure is a spiraling meditation on dance style rather than a linear exposition of narrative. When it is compared to the Bournonville ballet, one realizes that its conception is more intensely one-sided in other ways, and so more poetic in effect. Taglioni's sylph is the lead role by virtue of the depth to which she shows us a dance style. Bournonville's sylph becomes the lead through the conventional dramatic device of contrast.

The major point of Bournonville's first set is the contrast between *terre à terre* and spiritual dancing (epitomized by toe shoes), between peasant and immortal life. In Bournonville's first act the sylph is the only dancer wearing toe shoes—or rather, given the obscure history of the toe shoe's entrance into the dance theatre, she is the only one to dance as if she could be wearing toe shoes. In the Taglioni version, all the women dance as if wearing toe shoes. Bournonville's sylph hovers, glides, and quivers so as to confuse one's notions about where the floor ends and the air begins. Effie does Scottish reels. Taglioni's sylph confuses James and us to the same delighted extent, and then some, but he didn't want to turn Effie, or the ensemble of her friends, into character dancers to set the sylph apart. Their quick-footed allegro speaks the same language; it's just not as brilliant, sustained or quixotic. In the Taglioni, we sense that James eventually runs off with the sylph not because she's different but because she's a fuller embodiment of what Effie already is. Just as one gets glimpses of this idea in the myriad of variations and duets of the first act, so does this conception explain the curiously harmonious *pas de trois*. James does not struggle between two poles: rather, two variations of an ideal slide in and out of his arms. The dance resolves itself when the sylph alights on his back and presses his image of Effie into a vanishing flatness, as though the weight of the sylph's lightness obscures the very ground on which he walks. Effie's lightness has no astonishing weight, and it touches him more conventionally too, on his arm, his shoulder, but never on his back. From that point on, it's a foregone conclusion that James will choose the sylph, but he's much more resistant than Bournonville's James.

In both ballets James's decision to leave Effie hinges on the same turn of events—the sylph snatches his wedding ring and runs into the woods—but Taglioni postpones that decision so that more and more variations and duets can be squeezed in. Taglioni's version, then, is the more contrived, but since its contrivances are all for the purpose of exhibiting virtuoso dancing, it takes its place at the center of the pure-dance movement. Bournonville's *La Sylphide*, with its greater emphasis on mime and its distinctions between ballet and folk dance, shies away from the artificiality of the plotted *divertissement* but also from the exuberance of a single-minded vision. Bournonville's *La Sylphide* is rounder than Taglioni's. Taglioni's comes to us in a white heat in which there is no room for dichotomy. His sylph dances at the top of a pyramid, and it's no wonder that the role made Marie Taglioni a star.

Thesmar is deliciously not so chaste as the sylph. The willfulness with which Taglioni endows his sylph she properly modulates. As befitting a role whose personality is given full vent in steps, a quality signifying choreographic stature, Thesmar saves most of her inflection and expression for her body. Facial dancing is expertly cued to camera close-ups, which happily are few. Denard dances impeccably too, though Taglioni's solos for James are not as ingenious as Bournonville's. (This is the only instance where the Dane outclasses the Italian.) Unluckily there are many close-ups of Denard, most of which seem to catch him on the verge of a sneeze. One assumes that in a theatre his wonderment would come across with a bliss not quite so asthmatically inclined. Sometimes the camera shoots the dancers from too close and too low an angle, magnifying their activity into a feverish pitch. Taglioni, as I hope you have gathered, needs no such help. (Nor does the Schnitzhoeffer score, much more forceful than the Lovenskjold score Bournonville used, need as much amplification.) For the most part, however, the camera is sympathetic, especially in the way it keeps just the right perspective on the stage machinery that enables the sylph and her entourage to fly over tree tops and slide down their trunks. We may believe in the illusion as 19th-century audiences presumably believed in it. Those aerial flights are pretty indeed, and we may thank the movies for illustrating how much technology has been lost in the last century.

Sublime technology has brought back what is undoubtedly a masterpiece of this century: Nijinsky's *The Afternoon of a Faun*, made in 1912. At that time Baron Adolphe de Meyer made thirty-three photographs of the ballet and bound them in albums. Today, only four of these albums are known to exist. From one of them Richard Benson has reproduced the whole series, on view at the Washburn Gallery, New York, until April 8. The first surprise of the exhibit is that these photographs have the varied textures and shadowy subtleties of fine etchings. The figures draw us into their movement through visual richness rather than kinetic connection. And so, even though the photographs chronicle a ballet, one does not look at them for the sense of what precedes and what follows the second of representation. Anyone who, as I did, comes to the pictures hoping for an enactment of the ballet, will probably discover that the desire is made irrelevant. Each photograph is entirely self-sufficient, and each fairly shimmers with its own kind of breath and event.

The second surprise is that Nijinsky, as the Faun, figures small in the series. Only a few of the photographs are of him alone, and only a few more show him with the chorus of nymphs. Most of the pictures are of nymphs arranged in friezelike structures, resonating with Mediterranean antiquity and quite often with Sienese prickles of facial characterization. Looking at a group shot reproduced for the catalogue, I notice that the slightly different angle of each of the four nymphs as they regard the Faun and the minute variation in each of their expressions is almost Giotto-like in its animation. I doubt that such liveliness can be attributed only to de Meyer's and/or Nijinsky's sensitivity. One sees that Nijinsky trained his dancers to a peak of expressive power, and that if the group did not in fact carry Nijinsky's *Afternoon of a Faun*, they do in fact carry the de Meyer *Faun*. This reaction strikes me as historically significant, for it places Nijinsky in the world, as a working part of a community, able to teach and mold, rather

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than as some inexplicable and incomprehensible force who "somehow" materialized on stage. Supporting Lincoln Kirstein's theory that Nijinsky was an artist, these photographs are shrewd as well as mysterious. The umpteen hours of rehearsal for the preparation of *Afternoon of a Faun* seem much less notorious than most Nijinsky-Diaghilev historians would lead one to believe. These photographs justify those long hours and suggest that Nijinsky's first choreography was prepared with common sense and articulate goals. □

ART

LAWRENCE ALLOWAY

The Downtown branch of the Whitney Museum of American Art would seem to be exactly the place for an exhibition called "Art at Work: Recent Art from Corporate Collections" (until April 11). It is on the third floor of the Uris Building at 55 Water Street, where the building's owner, Olympic and York, donates the space free. It is open Monday through Friday from 11 A.M. to 3 P.M., that is at lunch time, and it is closed on weekends when the uptown museums get their maximum crowds. The operation can be viewed as an outreach program aimed not at the poor but at harried white-collar workers. The branch museum is directed by David Hupert, head of the Whitney's Education Department, and staffed by students in the museum's Independent Study Program. The gallery is supported by contributions from about thirty corporations and from Washington, the Study Program by the Helena Rubinstein Foundation with assistance from the Samuel H. Kress Foundation. The corporate affiliations are extensive.

Max Kozloff, my predecessor as art critic for *The Nation*, has written eloquently and critically of art in corporations as "the heraldry of managerial self-respect." I will admit that I went downtown expecting the guilty pleasures of handsome large-scale art that reflected "the computer and transistorized age of corporate technology . . . in its striped and serialized emblems." Kozloff was referring to Frank Stella and Andy Warhol in particular. Hard-Edge and Pop art, according to this argument, anticipate foyer and board-room occupation by absorbing in advance the materialistic values of their future owners.

The press release also advances the notion of corporations as powerful patrons. "More works of contemporary art are now being bought by New York-based corporations than by museums in the metropolitan area." This statement is based on an informal estimate by David Hupert, comparing the intake of several large companies and the acquisitional slumber of New York museums. It is probably true, but it does not signal the end of museums, whose functions are not limited to the disbursement of funds to living artists. Definition of the long-term, stable aspects of culture is an essential museum function too. Certainly art has both an investment value and a public relations use to corporate collectors. To what extent businessmen will concern themselves with the cataloguing and preservation of, and public access to, the works is not yet known. It is necessary that the art be neither hoarded nor neglected.

The only contenders for "heraldic" status in the present exhibition are a Roy Lichtenstein still life of 1974 and a recent, jazzy Stella. Artists who are eligible, on the strength of other works, but who are represented weakly here, include: Jim Dine (little lithographs), Robert Rauschenberg (a silk screen and a lithograph), Warhol (a routine head of "Liz"), and Claes Oldenburg (mini-sculpture of a trowel). There are pieces by recent starters and a scatter of photographs, the small size of which fragments the appearance of the show still further.

Corporate collecting is clearly not all on an ambitious scale; there is another dimension, that of personal choice within the company. I would attribute the purchase of these works to the decisions of young or youngish executives with access to small discretionary funds. They use the money for the kind of art they would buy for themselves. This show therefore is not a graph of corporate largess but of small-scale enterprise. The taste revealed in the show is that of moderate innovators who persuade the salesmen or command the secretaries to replace paintings of great waves breaking on rocks, or reproductions of Grandma Moses or big-eyed children. In their place go paintings from SoHo galleries, cheerful graphics, or photographs as art, none of it expensive. The inconsequential nature of the objects shown reveals the homely aspects of personal taste within the organization. Only typists' cubicles, junior washrooms and dim corridors would have had to be disturbed to make these loans available. The exhibition certainly has the wrong title: as it stands its theme is marginal differentiation among the taste patterns of junior executives.

"Art at Work" is the first show by the new group of interns at the museum and I don't want to be unreasonably critical. However, other exhibitions have made the Downtown branch a notable gallery and my expectations are shaped by the program itself. So far this year there have been two exhibitions. The first, "Jasper Johns Prints: Three Themes," was a supplement to the retrospective up town. The interns studied "cross-hatchings, flagstones, body parts" in Johns's later work. Next was "Out of the House," an anthology of the ways in which women artists deal with "household objects and activities." The first examined a small but precisely defined topic, one neglected in the literature; the second surveyed a broad field, indicating the scope of a much-discussed subject. Another exhibition of the Downtown branch, "Subjects of the Artist," arranged a few years earlier, became the basis for an expanded exhibition, "Abstract Expressionism: the Formative Years." It has just opened at the Herbert F. Johnson Museum at Cornell University and will travel to the (uptown) Whitney Museum in the fall. □

SUMMER HILLSIDE

Chasing uphill
catching at the wind for breath
we move jointless as
erratic ghosts become
part of the wild rye . . .
these great white whorls
bending and rearing
in the green mane . . . become
a part of the lather
a part of the green.

Once-removed now
from our very selves,
a cranky sense of omen comes.
Our reflections in a flat
of spring water look foreign.
Our arms too shiny
in the late sunlight.

Suddenly, the wind is turning fierce,
harsh as a firehose,
loosens the roots of the grasses,
flails at our summer clothing.
Maims our own shadows.

Shielded only by dread
against this seedless quickening,
we stand upright and nameless
on the open hillside,
rooted spare as lightning poles
to ground the swelling roar.

Anne S. Perlman

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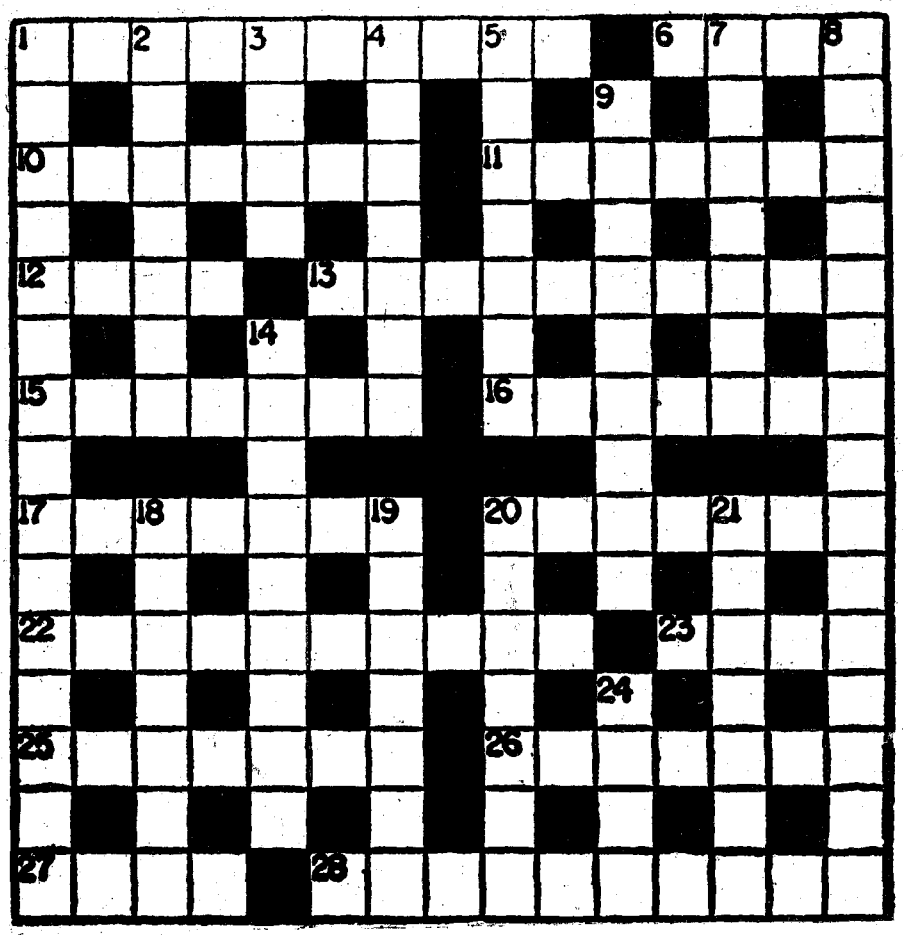

ACROSS

1 Two things possibly in front of the diner in the window. (5,5)
6 If this round thing goes over, find the answer. (4)
10 Get upset about the facial feature in the art work. (7)
11 and 12 Perhaps Navy musicians, and what they had to do in a losing battle. (7,4)
13 Colors, with the Spanish dead beat, perhaps. (10)
15 Be seated inside, and have some disagreement about thickness, in a sense. (7)
16 Trouble in the plant? It might demand conciliation. (7)
17 A variety of Corgi, an example, of the way some like food. (7)
20 Support the sort of fishing associated with parts of New England. (7)
22 Able, at most, to prepare something thin and crisp. (5,5)
23 You can see this way it's a common dog! (4)
25 Ain't Eve tricky! And displaying such simplicity! (7)
26 The kind of illusion 21 makes? (7)
27 The first of your breakfast dish—one helps himself, in a bad way! (4)
28 They're not supposed to make prisons for what a Watergate type does, when pressed. (Was Jackson typical of them?) (5,5)

DOWN

1 Your trousers might be, if not freely so, when things are tight. (7,3,5)
2 A lot might be sold this way. (7)
3 Put out because the hour's up? (4)
4 What one stands on with an associate, according to rule. (7)
5 Weave this way, when the rag gets torn to pieces. (7)
7 The country has an uprising, but it's a familiar state. (7)
8 Unable, with some hesitation, to cover up stories—and well-known stories, at that! (10,5)
9 A lousy call—made the hard way. (9)
14 One has to have pride in his work! (4,5)
18 Covering for show? (7)
19 Block off a little thoroughfare—the one next to you. (7)
20 When a stupid type has a benefit around, one might blow it. (7)
21 Describing the latest news might be sort of 26. (7)
24 Dries up? Quite the contrary with a so-called Irish type. (4)

SOLUTION TO PUZZLE NO. 1720

ACROSS: 1 and 15 Never a dull moment; 6 Used; 10 Washing; 11 Yardarm; 12 Rubber of bridge; 14 Eye-level; 16 Etched; 18 White-hot; 22 Clerical collar; 24 Throw up; 25 Magneto; 27 Cornetists. DOWN: 1 Now or never; 2 Visible; 3 Raised eyebrows; 4 Dog rose; 5 Lays by; 7 Spangle; 8 Dump; 9 Train of thought; 13 Staterooms; 17 Calorie; 19 Hellman; 20 Halters; 21 Scipio; 23 and 26 Stoppled.

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